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of
Fairfax County, Virginia, Inc.

YEARBOOK**

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EDITOR:
JAMES KEITH

ASSISTANT EDITOR:
LOUISE LEDBETTER SMITH

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Activities of The Society During 1952-1953

The Third Annual Meeting of the Society was held June 29, 1952 at Jackson House, Fairfax County. John C. Mackall was elected president to succeed Col. H. W. T. Eglin who was elected President Emeritus.

The Fall Quarterly Meeting of the Society was held at The Falls Church on December 10, 1952. The Rev. Francis W. Hayes was the speaker. His subject was "Colonial Churches in Fairfax County," which is published herewith.

The Spring Quarterly Meeting of the Society was held at Gunston Hall on May 31, 1953, General Latane Montague spoke on George Mason. His address is published herewith also.

The Annual Meeting will be held at Mount Vernon on September 20, 1953, after this yearbook goes to press.

Manuscripts Acquired During 1952-1953

"Virginia Wills Before 1799"—A complete abstract register of all names mentioned in over 600 recorded wills, copied from the records of Amherst, Bedford, Campbell, Loudoun, Prince William and Rockbridge Counties. By William Montgomery Clemens.

"Atlas of Fifteen Miles Around Washington"—Published in 1879, showing all of Fairfax County, its roads, towns, churches, schools, and residences by name.

"My Lord Fairfax"—An interesting article on Lord Fairfax by an unknown author.

Fairfax County Before The American Revolution

Contributed by Katherine Snyder Shands

In writing this article on Fairfax before the Revolution, we will confine ourself to the geographical limits of the county as we now know it, and will venture farther afield only as events elsewhere affected Fairfax County. Our county is now in a position between the Piedmont and the Tidewater, since the tides of the ocean affect the Potomac up to the falls line. Before the Revolution, while the city of Alexandria was still a part of Fairfax, it was very much of the Tidewater, and its history is in the Tidewater tradition. The falls have always been the boundary, the end of navigation, and, for a time they were the barrier to the opening up of the mountainous regions beyond. And by the falls is meant not alone the scenic beauties of Great Falls, but the Little Falls near the mouth of Pimmit Run. Little Falls is the last of that great stretch of falls "fifteen miles in length and of very great descent."

In the beginning there was the Northern Neck, that is, the land lying between the Potomac and the Rappahannock Rivers going back to the sources of these rivers. The first county was Northumberland, formed in 1648. As the two rivers centered the population along their shores, a division of government was made, and in 1651, Lancaster County was formed on the Rappahannock. From Northumberland on the Potomac, Stafford was formed in 1726, and from Stafford, Prince William in 1731. Fairfax was formed from Prince William in 1742. The county was named for Thomas, sixth Lord Fairfax of Cameron, heir to the Northern Neck Proprietary.

At the opening of the seventeenth century, the great river, Potomac, flowed majestically from the mountains, through the primeval forests, over the high rocks and through the gorges of the falls, at length widening out into a great body of water rising and ebbing with the ocean tides. So it still does, but life along its shores is very different now. Then the Indians burned the underbrush to encourage the pasturing of deer and buffalo, and the trees rose, huge and towering, the spaces between them clear as in some very ancient park. Above the falls line, the forests remained untouched, and when at last they were cleared, the trees had to be felled from the top, they were so thick with vines and matted branches. Out of the great trees, the Indians made their canoes, dugouts from a single trunk; and it is recorded that a canoe measured "five and forty feet long by the rule" and could carry forty men, so we may have some idea of the enormous size of the trees.

The Indians hunted deer and buffalo, and fished in the river. They made clearings for the cultivation of corn, tobacco, and potatoes. They lived in small huts, keeping their fires burning, and using pine-knots for candles. They worshipped their terrible gods with superstitious rites, and danced their wild dances, their bodies painted, and dressed in skins and furs, with copper ornaments and beads, and with live snakes for ear-rings which coiled around their necks and "appeared to kiss their lips." They loved their children and were affectionate and indulgent parents. They were brave and fearless of pain or death.

The name Potomac is the Anglicized word for Petomek, meaning the "place to which the tribute is brought." Before the English came, there was an Indian village of that name at the mouth of Potomac Creek, where the Indians traded with one another. The upper river above the falls was called by the Indians Cohongarooton, or Goose River, because so many of these birds wintered in the region.

In 1608, one year after the settlement of Jamestown, Capt. John Smith explored the Potomac as far as Little Falls. The Spanish had, it is thought, been up the river before him, but they left no records. Smith was sent by the Virginia Company, which hoped to find gold, and the Northwest Passage. With him, in his small boat, were fourteen companions, among them Capt. Powell, who made the first map of the river. The men had to row against the current of the river, and in the lower reaches they were constantly under attack from the Indians of the Powhatan Confederacy, who shot at them with arrows, and tried to lure them into ambushes on the shore. It was a hard and exhausting trip, but in the upper river, near the falls line, the Indians were friendly. These were the Piscataways, Anacostans, Tauxenents (of Fairfax County), who were at the time breaking away from the Powhatan Confederacy, and allying themselves with the Iroquois nations. They seemed to think the white men would take their part against their enemies, and Capt. Smith, sensing this, made the most of it.

The Englishmen did not find gold, except some of poor quality with which the Indians made paint for their bodies, nor did they find a passage to the China Sea, but they did find fish "so thick with their heads above water, as for want of nets (our barge driving among them) we attempted to catch them with a frying pan." They also found fish in the grasses along the shore, and Capt. Smith, for sport, stabbed them with his sword, his companions following his example, and the party caught more fish "in one hour than they could eat in a day." Smith kept a detailed and valuable record of his exploration, of the Indians, and of all that he found.

For almost another quarter century, there was no settlement along the Potomac. The primeval forests, the river, and its tributaries re-

mained undisturbed by man except the Indians on the river's shore and a few unknown traders who left no records. But in 1623, at a time when the Indians were on the warpath, a young English nobleman, Henry Spelman, with some companions, explored the river to the falls. Spelman had lived among the Indians, and appeared to have for them an almost magical charm. He learned their languages, and was called by Capt. Smith "one of the best interpreters in the land." Here, on our Fairfax shore, within sound of the falls, Spelman met a violent death. While he and his party were scattered ashore foraging, one of the men fired a gun at random. There followed a commotion among the Indians at a little distance, and the head of Henry Spelman was thrown at his companions feet.

With Spelman on this ill-fated expedition was Henry Fleet. Fleet was captured by the Indians, and held captive for several years. He later traded with the Indians, and had three ships in which he took to them beads, knives and cloth in exchange for furs. Of the region of which Fairfax County is a part, he wrote;— "This place without question is the most pleasant and healthful in all this country, and most convenient for habitation, the air temperate in summer, and not violent in winter. It aboundeth in all manner of fish.—And as for deer, buffaloes, bears, turkeys, the woods do swarm with them, and the soil is exceedingly fertile."

A third explorer was Capt. Samuel Argall, a brave and commanding figure. He kidnapped Pocahontas from the Indians at the mouth of Potomac Creek, paying for her abduction with a copper tea kettle. While she was being held a hostage among the English, she met and married John Rolfe. Argall writes of having eaten buffalo-meat on the shore of Aquia Creek.

After these travellers, the woodsman's axe began to ring in the ancient forests along the Potomac, and the settlers began to stake out their claims and build their homes, pushing back little by little into the hills of Fairfax County, and pushing back the Indians, sometimes with violence, sometimes by the honest purchase of land. But nature and the Indians gave way slowly; the settlers were protected by a police force, the Potomac Rangers, who continually sailed up the river and creeks until in 1722, Governor Spotswood made a treaty with the Iroquois nation which confined them beyond the Blue Ridge. The treaty with them of 1744 gave to Virginia title to "all lands within the said Colony as it is now or hereafter may be peopled and bounded."

The earliest settlers along the Potomac were for the most part simple people, tradesmen, artisans and adventurers, and nearly all of English origin. These were given by the Crown fifty acres per person, called "headright," and for this land its owner paid a small rent called "quitrent." Of course certain settlers by purchase or other means

gathered into one property numbers of headrights, and there were a few "gentlemen of good blood," who were granted large tracts of land directly by the Crown, though it is surprising how late in history the plantation life of the "river barons" began to flourish. Tobacco was the crop which all sought to raise, the money crop, though corn was raised to feed the settlers, their indentured servants, and slaves. Tobacco was even used in trade in the place of money.

The first land-grant in the upper river near Great Falls was made in 1709 to Daniel McCarty, brother-in-law and Westmoreland County neighbor of Thomas Lee, of Stratford. The lands in this grant were in an area called "Sugarlands," because it was found that the sap from some of the trees in the region solidified into a sweet substance. Among other early grants of land on the upper river was that made to Alexander Scott, a minister, who in December 1716, took a grant of 946 acres "on the south side of, and near the head of a run called by said Scott and others, Scott's Run, issuing out of Potomac river between Difficult and Pimmit Run above the falls of said river." Thus Parson Scott became an early citizen of Fairfax County, and impressed his name upon its geography.

In 1649, King Charles II of England, in recompense for loyalty to him, granted to seven English noblemen, his friends and courtiers, the entire area of the Northern Neck "bounded by and within the heads" of the Rappahannock and Potomac rivers, though the geography of these rivers was at that time only vaguely known. This vast area was called the Northern Neck Proprietary, and its owners were allowed to make from it grants of land and headrights and to collect quitrents as was generally done by the Crown itself. The Proprietary was affected through the years by the political disturbances in England, the Civil War, the Restoration, and by changes among the men to whom it was originally given. It was at length acquired by Thomas, Lord Culpeper, one of the original seven, and was inherited from him by his wife. His wife, Margaret, Lady Culpeper, died in May 1710, leaving the Proprietary to her daughter Catherine, Lady Fairfax, also at the time a widow. Lady Fairfax did not understand the management of the Virginia property, and doubted the honesty of the agents in charge. She turned over her affairs to Thomas Corbin, a merchant of London, who did business in Virginia, and had family connections there. At Corbin's suggestion she leased the Proprietary to Edmund Jennings. Prior to this Robert Carter of Corotoman, had been the agent, and had used his opportunity and the knowledge he gained of the country to acquire large grants of land throughout the Northern Neck, and up into the areas of the upper river, including a large grant in the vicinity of Great Falls. Jennings was absent in England, and Thomas Lee acted for him and was in sole charge for several years. He was the fourth

son of Richard Lee of "Mt. Pleasant" in Westmoreland County, and in later life he built Stratford. Lee was only twenty-one when he was made agent, and given Lady Fairfax's power of attorney to make grants of land. He travelled widely over the region of the upper Potomac, and acquired land for himself in Fairfax and Loudoun. It was his desire to name Goose Creek for himself, and though he never succeeded in making the name stick, we have now the town of Leesburg to perpetuate it. Some of his grant was along the Potomac bank between Great Falls and Little Falls, and Lee hoped to found a city on his property at the mouth of Pimmit Run. Here, until 1737, was Magee's, later Awbrey's ferry to the Maryland shore. Here, until 1737, stood the Falls Warehouse for the storage of tobacco, with two important rolling roads leading to it. There was a small settlement at this point, but Lee was never able to build it up into a city. Alexandria and Georgetown grew up as the centers of trade.

At the death of Lady Fairfax in 1719, her son, Thomas, sixth Lord Fairfax, inherited the Proprietary. Lord Fairfax had lived in London as a courtier until, at the age of twenty-eight, out of favor at court and with his fortune depleted, he retired to his Leeds Castle to live as a country gentleman and sportsman. The trustees of Lady Fairfax at the time of her death, released the Proprietary to Robert Carter. Edmund Jennings, who had come to Virginia, and superseded Thomas Lee as agent, was delinquent on his lease, which was then expiring. Lord Fairfax, becoming concerned for his Virginia inheritance, left England in 1747 to manage his affairs for himself. He took out many grants in his own name, some of which were large tracts of land above Difficult Run and back of Great Falls.

In the 17th century, the Virginia Assembly created counties as it became necessary to have courts and administer law. The counties divided into parishes, and since the courts were not able to cover distances, and maintain order, the Assembly appointed the vestrymen of the parishes, and gave them a civil authority. Parishes were formed in the new settlements to administer law and order before there were sufficient men having property qualifications for voting to form a county. This process was then, in a way reversed, since parishes were first created out of the large counties such as Stafford and Prince William before the smaller counties as Fairfax and Loudoun were divided off. Thus it was there was first the parish of Truro before there was the county of Fairfax.

(The early history of Truro Parish is set forth in detail in another article in this book.)

After the creation of the parish of Truro, effort was made by the citizens of the area to create a county with a court of its own apart from Prince William. When William Fairfax moved his residence

from King George County to Belvoir, he ran for the office of Burgess in the Assembly, and was elected and charged by the voters to bring about the forming of the new county. This he did, and Fairfax County was formed by law on June 19, 1742. The county included the same land as the previously formed Truro parish, and differed from its present area, as the city of Alexandria, Arlington and part of Loudoun counties were then a part of it. William Fairfax was the first county lieutenant and presiding justice in the county court, Lewis Elzey was the first sheriff, and Catesby Cocke was the first clerk. Unfortunately the minutes of the first sessions of the court prior to 1754, are lost, but the records of county business show in the private papers of William Fairfax.

The first Fairfax Court house was built on a large tract of land called "Spring Field" including the present Freedom Hill and Tyson's Cross Roads. In this tract are the sources of the Accotink, Wolf Trap branch of Difficult, Pimmit and Scott's Runs, and it was central to the whole of the then county. The court house remained in this place for ten years, though there is no trace of the building left. The citizens of Alexandria wanting the court house in their city, offered to pay for the construction of the building if the court would be moved there. This offer was accepted, and the court was transferred on April 31, 1752. The building of this court house ran afoul of politics, and was not entirely completed until 1754. In 1788 it was falling into decay, and there was a question of repairing the building. As the State of Virginia, by this date a Commonwealth of the United States, had just passed a bill ceding land to the Federal government for the capital city, there was the chance that Alexandria might become part of the District of Columbia, as, indeed, for a time, it did become. Therefore, by the act of the Assembly the court house of Fairfax County was moved to its site on property purchased from Richard Radcliff on the Little River Turnpike, and the present building was erected in 1800. The settlement which grew up around the court house was called Providence, and gives its name to one of the present-day magisterial districts of the county. Though commonly referred to as "Fairfax Courthouse," the town did not officially change its name to Fairfax until after the Civil War.

In the early days of the colony, the county courts were occupied with titles to land, petty lawsuits, interpreting of wills, and even more actively with punishments for offenders against the morals of those racy times. Publicity and shame in the public eye were considered best for minor offenses, and those who committed them were put into the stocks in the most public place, and placarded with the name of the offense.

The day the court sat was, and still is in some rural counties, a time

for celebration in the town. This perhaps explains why the merchants of Alexandria were so anxious to have the Fairfax court house. Strangers came, new faces were seen, and friends from a distance were made welcome. Laws were passed to prevent drinking, and every effort was made to hold an excess of levity in check while the court sat, but this could not be accomplished in the sociable atmosphere of the occasion. Old records from the earliest times show games and sports and cock-fights played before the Virginia court houses, including play with the quarter-staff, an old English sport which did not persist into the second generation in America.

Because of the extreme difficulties of conquering the wilderness, the geography of Virginia was unknown for a long period. As late as 1720 the Virginia authorities reported to the British government with maps on which the gaps of the Blue Ridge were not distinct. The first good map, showing the ridges and gaps of the mountains was made in 1731. This map also shows Pinmit, Scott's, and Difficult Runs and calls them by name. Virginia extended vaguely out into the forks of the Ohio.

Likewise because of this impassable wilderness, travel in the early Virginia colony was entirely by water. The settlements first, and then the great estates, communicated with one another by river travel. Even general stores were not at first established in one place, for supplies were brought from Europe, and sold along the rivers from the boats which brought them. The great plantations had their own wharfs for shipping tobacco and other products, and the planters travelled to visit one another in large, comfortable barges, rowed by liveried negroes. Thus Washington and the ladies of his family visited the Masons of Gunston Hall, and thus the Masons returned their calls.

The inland roads began as the trails of the buffaloes going from their pasture lands along the river, over the Blue Ridge, and into the Valley. Over these trails went the Indians, and after them the earliest explorers and fur traders. As men and animals instinctively seek the course of least resistance, the trails followed the ridges of the hills by the easiest grades, and later the roads followed over them. These roads were used by the new settlers, who, finding no room along the rivers, went to the Piedmont and over the mountains; and it is these same roads which carry over Fairfax County the swift traffic of today.

The early roads were incredibly bad, but they were no worse in Virginia than they were in other states of the colonies, and the American roads were no worse than those in England. In the lower Tidewater, the roads were of so little interest to the river settlers, that all houses were built facing the water, and laws had to be passed to make the plantation owner maintain some sort of path from the road to his door. Travelers in Virginia became lost on the roads in broad day-

light. Most people traveled on horseback. Carriages and coaches were all privately owned, and were used only to visit or to go to church. Post-chaises could not be hired as was done in England.

In Fairfax County were four important roads. The first and oldest of these, and perhaps the worst, was the Potomac Path. It went between Alexandria and Fredericksburg, and is now Route 1 to the south. This road was at times completely impassable as it led through the Chapawansic Swamp, which modern engineering has now drained.

The other three main roads run north and west across the whole breadth of Fairfax County. The first of these is the "Little River Turnpike," running from Alexandria, through the present town of Fairfax, up to the ford of Little River at Aldie, in Loudoun County. It is over this road that General Braddock traveled with his army when he went to defeat and death at Ft. Duquesne.

The second road, now Route 7, began also in Alexandria, and passing along a natural ridge throughout most of its length, it ran through Falls Church and Tyson's Cross Roads, joining the Georgetown Pike near Dranesville, as still it does. On this road stood, and still stands the Falls Church, and farther along was the first county court house at Freedom Hill. Washington often used it when he went into the frontier country surveying. The road was long called the "New Church Road" in reference to the Falls Church, and later, the "Middle Road."

The third of these main roads is the Georgetown Pike, called originally the "Sugarlands Rolling Road," as it led down from the Sugarlands. The term "rolling" applied to roads, as it so often was in the early days of the colonies, refers to the great casks of tobacco which were rolled over the roads to the warehouses and centers for shipping. This road, beginning, as did the others, as an Indian trail, ran from the mouth of Pimmit Run and the Falls Warehouse, over a bridge at Difficult Run, and eventually to the settlements which later became Leesburg. It is mentioned in the correspondence between Robert (King) Carter and Thomas Lee in 1728.

In the days of the early settlements, the roads received what little care and attention was given them from the local people who used them, but as the frontier pushed westward, and the great wagons journeyed out of the Piedmont and the Valley, the local people complained about working to keep up roads for "foreigners," and for business in which they did not have a part. The Assembly then passed laws taxing the counties for the support of the roads. This did not correct the trouble, and the roads were made into toll roads, called turnpikes, and the tolls were collected and administered by state officials. The administration of these tolls became involved in politics, too many free passes were given out, and again there was complaint. At last the

toll roads were given over to private stock companies which kept the roads in order and paid dividends to share-holders from the tolls. This system was continued until very recent times. In 1797 the first bridge was built over the Potomac at the mouth of Pimmit Run and was called the Falls Bridge; later it was named the Chain Bridge, in reference to its construction, and the comparatively new bridge is still so called. The Canal Road was also a toll road.

Other roads of the county existing from the earliest days, were the Falls Rolling Road from the mouth of Pimmit Run and the Falls Warehouse to Falls Church. This road is now the Glebe Road and the Lee Highway. Another, the Braddock Road, ran from Alexandria to Centreville, which was then called Newgate. The Ox Road ran from the present court house south to Route 1, and was later called the Colchester Road, that settlement being an important shipping point for tobacco and iron ore. The Gallows Road ran from the old court house, and bears its grisly name probably in reference to sentences handed down by the court. There was also a connection, called the Sugarlands Road, between the New Church Road (Route 7) and the Georgetown Pike in order that the New Church Road might use the Pike's bridge over Difficult Run.

Along the river and creeks below the falls line, villages sprang up at the ends of the rolling roads. These villages formed the connection between the hinterland and the shipping points. There were Dumfries, Colchester and Alexandria with Georgetown across the river. In these town there was a store, usually run by a Scotch merchant, who was often the agent of some London firm. These merchants, called factors, took the casks of tobacco of the planters and exchanged for them the general merchandise which the planter needed. When the tobacco trade in the Tidewater died out, most of these small towns died with it, as Dumfries and Colchester. But Alexandria and Georgetown, wise to tap the wheat trade which next grew up, pressed on to become thriving cities and busy ports.

• An attempt was made to take shipping around Great Falls by means of locks to open up navigation in the upper Potomac. The work was begun before the Revolution, but was stopped. After the war, Washington himself became interested in this project, and under the supervision of James Rumsey, who was also a pioneer in steam navigation, the locks were completed and used. This canal with locks was one of the first of its kind in the world, and was regarded as the greatest piece of engineering achievement in America during the eighteenth century. However, the canal was not a financial success; it only paid one dividend to its shareholders, and was later abandoned.

Travelers on the roads were serviced by inns called ordinaries. The Duc de la Rochefoucault-Liancourt, who traveled from Main to Georgia

through the American colonies, wrote of the Virginia ordinaries. "Although the inns are sometimes bad, yet upon the whole they are better than in the other states. Those in the back country where I have traveled are preferable to the inns in many of the most inhabited parts of New England." The Duc gave a more cheerful picture than another European traveler, the actor, John Bernard, who writes of "a bed stuffed with shavings on a frame that rocked like a cradle, and in a room so well ventilated that the traveler had some difficulty in keeping his umbrella erect, if endeavoring under that convenience to find shelter from the rain while in bed." Another French traveler was amused to hear the keeper of a Virginia ordinary call his wife "Honey," and complain that he was "feeling mighty porely." The Frenchman had trouble translating these phrases into his own language.

The keeper of an ordinary was always a distinguished and respected member of the community, and during the Revolution some of them became generals in the army. As the ordinaries were centers for the exchange of news and important information, the keeper held almost the position of the editor of a newspaper. Early travelers describe ordinaries as resembling one another, having a porch across the front, and being plastered with handbills informing the public of taxes, and stolen horses, and where the new doctor had settled and so forth. The guests in an ordinary slept together in a common room, often on mattresses laid on the floor, and meals were served at stated hours only, with all the guests at the table, the keeper presiding as host. The food was good and plentiful with wild ducks in the Tidewater, and everywhere the ham for which Virginia early became famous.

It often happened that the planters, lonely in their remote homes, sent servants to the ordinaries, and invited the guests there to visit. Since this took business from the keeper, he was compensated by the planter with presents. In Fairfax County the most important ordinaries were Coleman's Ordinary on the Georgetown Pike a few miles west of Dranesville, and Price's Ordinary on the Braddock Road midway between Alexandria and Centreville. There was also Drane's Tavern at Dranesville for which the settlement is named.

Mail in the early colonial period was passed from plantation to plantation until it finally reached the person to whom it was addressed. Mail to Europe was sent by the regular ships crossing the Atlantic. In 1691 a Crown patent was granted to one Thomas Neale, of London, to organize a system of sending mail to the colonies, and arranging a good mail service among them. The northern colonies joined this service, but in the south, the people found the ships of the tobacco trade perfectly adequate, and they did not want to pay Neale's high rates of postage. It was not until 1737, when Governor Spotswood, while on a trip to London, consented to accept the then vacant post of Deputy

Postmaster for America, that Virginia was put into the list of those sharing the postal service.

The life of the great houses did not begin until nearly the middle of the eighteenth century. Though their hospitality was without stint, some of their appurtenances have been greatly exaggerated by romantic description. The beautiful interiors were not always very comfortable. The rich Carters of the Rappahannock had to wait six months to get a broken window pane repaired. There was no plumbing, therefore no bathrooms, and no built-in closets. The houses generally had a few large bedrooms, and guests had to sleep six or eight in a room. The food on the rich gentleman's table was very like that of any house in the countryside, and "ham was as inevitable as the dining-room table." Madeira and brandy were imported, but the wine was often home-distilled, and sometimes was made of persimmons or dandelions. The food was often served in unmatched sets of silver or china, as a long trip to Europe and back was required for replacements and repairs.

Nevertheless life was very gay and social. There was constant visiting, and there were parties with dancing to the music provided by negroes with fiddles and banjos. Because of propinquity and the difficulties of travel, the families intermarried, and every one was a cousin, or closer, to every one else. Most of the plantations had a school room for the children who were tutored at home. The boys were sent away to college at an early age, sometimes as young as nine or ten years. They went to Harvard, to William and Mary, and sometimes to the English universities. The rich planters raised blooded horses and imported the best thoroughbreds from England. There were gambling, racing, cock-fights and card games.

Sometimes the hospitality of the great houses became very tiresome to their owners. Col. William Fitzhugh of Chatham, near Fredericksburg, living near a main artery of travel, found himself running a sort of glorified inn. Seeking quiet, he built and moved to Ravensworth in the back country of Fairfax County, where he could live in peace. Ravensworth stood till 1925 when it was destroyed by fire.

But the frivolity of the early colony gave way somewhat to more serious matters. The planters concerned themselves with the business of their plantations and to scientific methods of farming. Excellent libraries were gathered together in the great houses. The ownership of slaves was something which these highly intelligent men disliked, both as a bad economic arrangement and from the humanitarian standpoint. The political thought of the colonies was growing up and with it resentment towards Britain. The Ohio Company, forming the

most important link between the Tidewater and the upper river, was started by Thomas Lee with some of his rich and prominent fellow planters and relatives. Braddock's ill-fated expedition proved to the settlers on the frontiers that the British government was not able to defend them, and Washington, a member of the Ohio Company, traveling often over its territories, heard the murmurings against the mother country. There was high handling by British Government officials of the raw tobacco exported to London merchants, and the finished product which was returned to the colonies for purchase, leaving enormous profits in the hands of these London merchants. It was the same with wheat and fur and other colonial exports. The tea of India was shipped into the colonies and taxed for the benefit of the British Government. In the port of Boston, the "Boston Tea Party" took place, and similar events occurred in other port cities. The colonies were beginning to boil with resentment and Fairfax County became a center for the development of this resentment.

In Fairfax County were built, in the middle of the 18th century, within a few miles of one another by land, and fewer still by water, three great plantations. One of these was Belvoir, the home of Col. William Fairfax. It stood near the mouth of Hunting Creek on land purchased from Dr. Charles Green, the popular Irish doctor-minister and rector of Truro parish. The house was built in 1743, and was of brick, sixty by thirty-six feet in size, two stories high, with a full basement. The lower floor contained a large central hall and four rooms. upstairs were five large bedrooms. It had numerous brick out-buildings, including offices, stables, and a coach house.

Col. William Fairfax was the agent of Lord Fairfax, owner of the Northern Neck Proprietary. In this capacity he made land grants and collected quitrents. He also held public office in Fairfax County as a Justice, a Burgess and as Collector of Customs for the South Potomac, and was one of the most important men in the Northern Neck. His daughter married Lawrence Washington, older brother of George Washington, then master of Mt. Vernon. This marriage brought the Washington and Fairfax families very close together, and George Washington, a young boy living with his brother, was a frequent visitor at Belvoir, and came under the good influence of Col. Fairfax.

In 1745, word reached Belvoir that the English Privy Council had taken action in the case of Fairfax v. Virginia, the long litigation about the boundaries of the Proprietary. Five million acres in the Northern Neck and on to the Ohio had been awarded to Lord Fairfax. It was this decision which opened up the frontiers to settlement.

In 1747, Lord Fairfax moved to Virginia, and stayed at Belvoir

with his cousin, Col. Fairfax. He later built for himself Greenway Court in Clarke County in the Valley. While he was at Belvoir, he was visited by young George Washington, who went over from Mt. Vernon to see the great man, owner of vast tracts of land, whose name was held in awe in all of Virginia. Col. Fairfax had already employed Washington for surveying the Proprietary.

Thomas, Lord Fairfax, was fifty-three years of age when he settled in Virginia. He was neither a handsome nor a homely man. He had a great disdain for dress, and though he bought good clothes, he never wore them. This was probably because he had an innate laziness which nothing, except the fear of losing his Virginia property, had ever been able to overcome. He disliked the company of women, and was always silent in their presence. Even among men he was sometimes quiet and sullen. Nevertheless he made himself well liked in Virginia, as he was just in business matters, and did not set too high terms for the acquiring of land from the Proprietary.

The William Fairfaxes remained Loyalists, and returned to England at the out break of the Revolution. Belvoir was destroyed by fire near the end of the war, but probably not because of the British sympathies of the owners, as the Fairfaxes were respected by the colonists. They never returned to Virginia, though Washington begged them to do so, and to make Mt. Vernon their home while they rebuilt Belvoir. Lord Fairfax, though a Loyalist, stayed in Virginia during the war and was not molested.

Near Belvoir, but farther down the river, stood, and still stands Gunston Hall, built by George Mason to be his home. As Gunston is open now to the public, we shall not describe the house. It was built in 1758, on a tract of 7,000 acres. Since Mason's death the estate has passed through the hands of various owners, and the land divided.

George Mason of Gunston Hall was born in 1725, fifth in descent from the cavalier George Mason who came to Virginia in 1657. His family owned Analoatan Island in the Potomac River opposite Georgetown, long known as Mason's Island. He was the chief spokesman, even the embodiment of the revolutionary attitude of the citizens of Fairfax County and the Potomac region. He did not go far afield in his activities, but remained at home supervising the running of his plantation and caring for his motherless children, his only activities in national gatherings being at the Constitutional Convention in Philadelphia. He went often to Alexandria, the growing city near his home, and the great of the colonies gathered at his house. He was a trustee of the city of Alexandria, and contributed greatly to its early development. He was a vestryman of Truro parish, a justice of Fairfax County, and a member of the Virginia Assembly. On July 18, 1774 he presented at the Fairfax County court house in Alexandria the Fairfax Resolves.

These resolves, though conciliatory and moderate in their wording, firmly stated the resentment being felt by the colonies of the tyrannical handling of tobacco and other colonial products by the British government and questioned Britain's right to regulate colonial commerce and tax colonial trade under the Navigation Acts.

In 1775 Mason drafted a plan for a county militia supported by county taxes. This was the first such body in the colonies, and was called the Fairfax Independent Company. George Washington was the commanding officer of this militia, and he later adopted their buff and blue uniform for the Continental Army. In a speech to the Fairfax Independent Company, Mason said, "We come equals into this world, and equals shall we go out of it. All men are by nature born equally free and independent." He hated slavery, his opposition to it causing him to oppose the adoption of the Federal Constitution.

The following year Mason was chosen by the Virginia Convention to prepare the Virginia Declaration of Rights. This he did in his library at Gunston Hall, and the Convention adopted his Declaration almost without changing a word. Inspired by it, Thomas Jefferson wrote the Declaration of Independence. Mason's Declaration or Bill of Rights guards the liberties of all Americans as the first ten amendments of our Constitution. George Mason of Fairfax County wrote, in Fairfax County, the political philosophy upon which our nation was formed.

Farther up the river, near both Belvoir and Gunston Hall, stands Mt. Vernon, the home of George Washington. This house also is open to the public, and needs no description here. The plantation was part of a 5,000-acre tract granted by Lord Culpeper to John Washington and Nicholas Spencer in 1644. Half of this tract was inherited by Lawrence Washington, George's older brother by fourteen years, who named it for Admiral Vernon, under whom he had served in the British Navy. George Washington, at the death of his father, and while still a boy, went there to live with his brother. He later inherited the property. He added to the small house which Lawrence had built, and it became his home for his life and the place of his death.

The activities and interests of George Washington cover so vast a field, that it is almost impossible to confine an account of him to a brief history of Fairfax County. In every activity of the county he took a leading part; even while President of the United States he was still able to be president of the Potomac Canal Company, and to preside at its meetings.

His father, Augustine Washington left him a small but adequate inheritance, which he increased vastly. During his years as a surveyor for the Proprietary he was able to learn land values, and obtained

grants of land extending out to the Ohio River, leaving at his death, some 50,000 acres. He was a practical business man, and when it appeared that the national capital would be in Philadelphia, he bought property there as a speculation. By his surveying he helped to establish boundaries both in his immediate Fairfax County and outward into the frontiers. With John West he surveyed the site of the city of Alexandria in 1749.

As a member of Thomas Lee's Ohio Company, he dreamed of connecting the Ohio with the Potomac for purposes of trade, and worked to accomplish the locks to pass Great Falls. Shipping in flat-bottomed boats had been found practical in the upper Potomac, and Washington hoped to the end of his life to bring the commerce of the west and the Mississippi valley into the port cities of the Potomac.

He was a careful and able farmer, studying how to improve agriculture, and supervising the work at Mt. Vernon whenever he could be at home, and he was a gracious host to an endless number of guests. He served as a Burgess in the Virginia Assembly and was sent by his state to the Constitutional Convention. He was an active vestryman of Truro parish.

His military life began when he held a command in the French and Indian wars, and he took part in General Braddock's unsuccessful campaign in defense of Ft. Duquesne. Under the command of Forbes, in a later expedition, his counsel was followed, Ft. Duquesne was retaken by the British, and Washington's ability as a military leader was established.

To conclude this article, we may say that a study of Fairfax County is both interesting and profitable. The county is typical of the whole colonial history of America. It began with the first of the English settlers, and passed on through the development of rural life and agricultural production, with active urban centers, with commerce and shipping. Though settled chiefly by the English, it also was a home for Scotch, Irish, German, Swiss, Huguenot and other refugees from the economic upheavals of Europe, and thus it became a part of the American melting pot. It took an active and leading part in the political development of the colonies, and it produced two of the greatest citizens of American history, even of world history. It is often said by one of our present-day most respected citizens, Mrs. David Wing, "Fairfax County is the most distinguished county in the United States." She is right, and we have every reason to be proud of it.

Colonial Churches In Fairfax County, Virginia

Contributed by Francis W. Hayes, Jr.

The establishment of the colonial churches within the colony of Virginia followed for almost a hundred and fifty years the various highways and waterways of the colony. Early in our history the rivers were alone the means of access from one settlement to another, and it was along them that settlements and plantations were made. I have been told, although I have no actual record of it being a fact, that it was either according to law or custom that a man must not be compelled to go farther than five miles from home to attend church. Certainly it is a fact, whether the foregoing be true or not, that along the great rivers of the early colony churches were built with great regularity ten miles apart. Present colonial buildings or their sites, can be checked along these rivers which seem to bear this out.

Gradually with the years roads were opened and the traditional site for later churches was at the crossroads. Today most of the colonial churches which have survived the passage of years stand at the crossroads of what were once the main thoroughfares of the colonial period.

We are mainly interested in the colonial churches, which were erected in and about Fairfax County. I say "and about" because we are all aware that this County was once part of Prince William, and much of what was once Fairfax has in later years been given over to newer counties.

The real history of the Church of England in these parts begins with an act of the General Assembly of Virginia in May, 1732 to take effect in November, dividing Hamilton Parish into two. A line was drawn "By the river Occoquan, and the Bull Run, (a branch thereof,) and a course from thence to the Indian Thoroughfare of the Blue Ridge Mountains," (Ashby's Gap). The lands lying below that line were to retain the name of Hamilton, the lands above it to be named Truro, after the Parish in Cornwall which is now the Diocese of Truro. So the new parish extended along the Potomac from the mouth of Occoquan to the Blue Ridge. Within this area were already three churches, then known as Occoquan, William Gunnells, and a chapel "above Goose Creek".

The old Vestry minute book of the parish soon ceased speaking of the church at Occoquan, but used instead the name of Pohick, which we know so well today. William Gunnells Church was probably located near Difficult Run, according to Dr. Goodwin's *History of Truro Parish*, and may well have been simply a temporary or rented building. It is known that the Gunnell family owned land at that point, but this

name, too, disappears when the Vestry began to make plans to build a church at the Cross Roads near Michael Reagan's. Richard Blackburn, agreed to build this church for 33,500 pounds of tobacco, it to be "forty feet in length, two and twenty feet wide, and thirteen feet pitch." This church almost immediately became known as the upper church to distinguish it from the lower church of the Parish at Pohick. Because it was the closest of all the churches to the Little Falls of the Potomac, it became known as the Falls Church in the late fifties or early sixties. The chapel above Goose Creek has to my knowledge never been definitely placed, but it was a real part of the parochial life as shown in the vestry minutes.

Each of these three churches was supplied by readers known as Clerks who conducted the services and were paid at the rate of 1000 pounds of tobacco a year. Each church likewise had its Sexton who took care of the building and grounds, and oftentimes the laundering of the surplices used by the clergy and clerks.

In 1735, Augustine Washington, father of George Washington, was elected to the Truro Vestry, and it was at his nomination in the following year that the Vestry elected the Rev. Dr. Charles Green as its first Rector.

Before Dr. Green took over his Rectorship, the parish was served by various men, among them the Rev. Lawrence DeButts, the Rev. John Holmes, who was evidently not of the Church of England, and the Rev. James Keith, the grandfather of Chief Justice John Marshall.

In 1742, Fairfax County was created out of Prince William County, and for the first time the boundaries of both the County and the Parish coincided. It was in 1748 that the name of George Mason first appears as a vestryman. For many years thereafter the great author of the Bill of Rights played an important role in the life of the Parish.

It was in the same year that George Mason became a vestryman that Truro Parish was divided by the creation of Cameron Parish. The division was to be "Difficult Run and its meanders from the mouth to the head thereof, thence by a line to the head of Popes head run, and down the said run to the mouth thereof." The upper part took the name of Cameron, the lower part remained Truro Parish.

Three years before this the Truro Vestry had erected a new Church which probably stood near the present town of Dranesville, and studied the possibilities of erecting a chapel of ease between Sailsbury plain, Little River, and the Potomac. This chapel was not erected at this time, being built after the Parish was divided and Cameron Parish established. This later Parish built the proposed chapel at Rocky Run near Braddock Road, and inherited from Truro the new Church at Dranesville.

In 1749 an addition was authorized to be made to the Upper Church, and an agreement was entered into with Charles Broadwater, one of the vestrymen, to do this work. Alterations were also authorized for Pohick Church, but were not made until three years later.

The Glebe of 300 acres along the Accotink was sold in 1752 for £50, and a new Glebe purchased for 13,500 pounds of tobacco, from the Rev. Mr. Green. It consisted of 176 acres immediately adjacent to the old Glebe. The Glebes were the land and houses thereon given to the Rector for his residence; the land which he farmed serving him well as an addition to his salary.

The next year the Vestry ordered the Rector to hold services in the new city of Alexandria every third Sunday. In 1754 there is a record that Captain John West was paid 100 pounds of tobacco for building a desk for the Church in Alexandria, and in 1756 the Churchwardens were ordered to provide seats for the Alexandria Church. Curiously enough, these are the only records in the Truro Vestry book of any expenditures in Alexandria for the Church building, although each year there was regularly reported the salary of a clerk and sexton. Most likely the congregation worshipped in a loaned building, probably belonging to Captain West.

The Hon. William Fairfax was chosen a vestryman in 1754, and was followed upon his death in 1757 by his son, George William Fairfax. In 1762 it was "ordered that George Washington, Esqr., be chosen and appointed one of the vestrymen of this Parish in the room of William Peake, Gent. deceased."

The year following Washington's election to the Vestry they met at Falls Church to look into the decayed and rotten structure of the frame building. The question was whether to restore the existing building, or to build a new one. It was the opinion of the Vestry that the old building was no longer suitable, that a brick structure was indicated, and that it should be constructed on the same site. Their decision was to "undertake the building a Brick Church to contain 1600 feet on the floor, with a suitable gallery". Unfortunately, these plans were never carried through by the Truro Vestry, although at the October meeting of 1763, when Washington and Fairfax were the Churchwardens, they levied 30,000 pounds of tobacco for the purpose. In the next year an additional 20,000 pounds of tobacco were levied for the purpose of Church building in the parish.

This same year of 1764 saw the division of Truro Parish once again. The population had continued to grow, and by act of the General Assembly Fairfax Parish was created out of Truro. This act created real problems at once. The new Fairfax Parish had a great majority of the people, while Truro was cut in size and population

below subsistence level. Washington's estate of Mt. Vernon was included in this new parish, and he was elected a vestryman at the first election. However, Truro Parish petitioned the Assembly for relief, and the former act was declared null and void, and new boundaries drawn which returned Mt. Vernon to its former parish. Again Washington was elected to the Truro Vestry, and the new Parish of Fairfax, had to get along without him and his rich estates.

It has never been proven that Washington or the first Fairfax Vestry ever met, qualified, or took the oath of office. So, though a Fairfax Vestry was elected there is no record extant that it was ever really in existence. This has given rise, however, to two distinct misunderstandings. The first is, that Washington served on two parish vestries at the same time, which was absolutely contrary to law. The second misunderstanding is, that Washington was a vestryman of Pohick Church, or the Falls Church, or even of Christ Church, Alexandria. Some believe that he was a vestryman of all these churches at the same time! I believe we have shown that he was never officially a vestryman of Fairfax Parish, and in those colonial days no church had vestrymen, only the overall parish. Even today various pamphlets and tourist guides speak of him as vestryman of this church or that; there is even a D.A.R. plaque on the front of the Falls Church which speaks of him as a vestryman of this church. Washington was only a vestryman of Truro Parish, in which were at first Pohick Church, Falls Church and the church in Alexandria. Later he was a vestryman of the same Parish, which after its numerous divisions, contained only Pohick and later Payne's Church.

In the new Parish of Fairfax were the two churches at the Falls and in Alexandria, while in Truro was Pohick. At the same time as the actual division of the Parish took place, the Rev. Dr. Charles Green, the Rector of Truro for so many years, died. Immediate steps were taken by the Vestry to find a new Rector, as well as to create a new upper church in the smaller parish. It was resolved in 1766 to build a new church "on the middle Ridge near the Ox road," the land supposedly belonging to Mr. Thomazen Ellzey who consented for the sum of 570 pounds of Virginia Currency. Dr. Goodwin in his history of the parish records the specifications agreed upon, which are of real interest to us, since Payne's Church was taken apart brick by brick during the Civil War by Federal troops. This church was on the road between Fairfax and Fairfax Station about two miles from the Court House.

Before this Church could be constructed, and as an interim measure, the Vestry rented Samuel Littlejohn's tobacco house and fitted it up for worship. They also took measures to provide themselves with a Rector in the person of Mr. Lee Massey, one of their own neighbors, who consented to seek Holy Orders in England and return

to them as their Rector. This of course took time, and the Parish was served by various parsons from neighboring parishes, until Massey could take over as Rector.

The new Fairfax Vestry was not idle during this period, but took immediate steps to follow up the recommendations of the former Truro Vestry in regard to the Falls Church. This building, forty feet by sixty feet, of brick, was formally accepted by the Fairfax Vestry in December, 1769.

Truro Parish sold its old Glebe as well as the Church plate in 1767, the Glebe selling for 322 pounds Virginia Currency, and the plate for 26 pounds. In the same year it was agreed that the old frame structure at Pohick was no longer serviceable, and a new brick church should be built. The same general plan was followed here at Pohick as was used for all four of the churches erected in Fairfax County and Alexandria at this time. The new Pohick was accepted in 1774, just one year after Fairfax Parish accepted its new church in Alexandria.

This Vestry meeting of Truro Parish which accepted the building at Pohick was the last to be attended by George Washington. Although he remained a vestryman of the Parish until 1782, his ever-widening duties were taking him farther and farther from home. With the building of the New Church in Alexandria, he found it easier to attend church there than at Pohick, and although not technically a member of the new Parish, he bought a pew in what is now known as Christ Church, and was only seen at Pohick on occasion. Washington's service to Truro Parish is notable. Of thirty-one meetings recorded as held while he was a vestryman, he was present at twenty-three. Of the eight occasions when he was absent, we find from his diary that once he was sick, and twice he was attending meetings of the House of Burgesses, and most probably on the other occasions he was out of the County.

So we have arrived at the end of the colonial period. The War of Independence had begun in 1776. Washington was in Boston at the head of the American Army, disestablishment of the Church of England disrupted its work for almost sixty years. Suspicion of everything English, confiscation of all possible properties, Church and Glebe, nearly forced the Episcopal Church into extinction. That in our present area, the three main churches of that era are not only still in existence, but active, evangelizing institutions, still doing the work for their Lord they were created to do, speaks loudly of the consecration of such men as the Washingtons, the Fairfaxes, the Wests, the Gunnells, the Broadwaters, and all those others of our past who built better than they knew. While their names are indelibly inscribed in the history of our nation's founding, likewise are they inscribed in the book of the Lord of life.

Skirmishes Near Bailey's Cross Roads, Fairfax County, Virginia—August 25 to September 1, 1861

Contributed by Col. John W. McDonald, Cav., USA, Ret.

Today few people outside of Fairfax County have ever heard of Munson's Hill, but during the last days of August 1861, it was almost as much of a household word in the eastern part of our country as was Old Baldy in Northern Korea a few months ago. On August 30, 1861, the *Washington Star* published the following item:

"Most of your readers are no doubt familiar with the high, bold, open appearance of the hill, crowned with a few straggling trees. A tall pole has been constructed on the highest point, and on that pole a secession flag is flying."—

Like Old Baldy, Munson's Hill, which is located just east of the Leesburg and Alexandria Turnpike, (Highway No. 7), halfway between Bailey's Cross Roads and Falls Church, was a key point in "No Man's Land." It lay between General Joseph E. Johnston's and General G. T. Beauregard's Confederate Armies of the Shenandoah and the Potomac, and Maj. Gen. George B. McClellan's newly created Army of the Potomac, which consisted of the troops serving in the Military Department of Washington and of Northeastern Virginia in the valley of the Shenandoah, and in the States of Maryland and Delaware.

After the disastrous defeat of Brig. Gen. Irwin McDowell's Army of Northeastern Virginia at Bull Run on 21 July, 1861, the Union Army retreated into Washington and started to reorganize under the protection of the forts previously constructed south of the Potomac, on the high ground east of Glebe Road and Four Mile Creek, within what is now Arlington County. During the month of August, as the strength and morale of the Union Army improved, McClellan pushed his outposts further to the west and ordered more active patrolling. To counteract this threat, President Davis decided to combine the Army of the Shenandoah and the Army of the Potomac, under the command of the senior General Joseph E. Johnston, with General G. T. Beauregard as second in command.

On August 11, 1861, Gen. Beauregard ordered his advance detachments to occupy Flint Hill, (now Oakton), Fairfax Court House, Fairfax Station and Sangster's Cross Road, (one mile to the west of Fairfax Station on the Orange and Alexandria Railroad.) Gen.

Johnston's main Confederate forces were in camp near Manassas and Centreville.

Both the Confederate and Union patrols frequently reconnoitered along the high ground near Falls Church, Bailey's Cross Roads and Annandale. In the latter part of August, Gen. Richardson, whose brigade was camped east of Hunter's Chapel, (Junction of Glebe Road and Columbia Pike) decided to fortify Munson's Hill and to place two cannon in a permanent emplacement on top of the hill. If he were successful, Gen. Richardson's outposts would be able to keep the territory to their front, as far as Falls Church and Annandale, under constant observation, and to deny the Confederates the use of these most important observation points. In their turn, Gen. Beauregard's Confederate outposts, on the night of August 24 and on the morning of Sunday, August 25, sent out numerous aggressive patrols. As a result, work on the gun emplacements on Munson's Hill was stopped; the Union Regiment protecting the working parties was withdrawn; and the Federal garrison on Munson's Hill reduced to a picket of twelve men.

Taking advantage of this action, a Confederate force from Col. J. E. B. Stuart's First Virginia Cavalry and Brig. Gen. James T. Longstreet's Fourth Brigade, First Corps, on the morning of 27 August, attacked the outpost, killing two of the defenders, and capturing six. Four of the members of the outpost escaped. In this action, Col. Stuart lost one man killed and six wounded.

Gen. Beauregard now advanced his line of outposts eight miles, and established strong detachments on Ogden Hill (east of Seven Corners), Munson's Hill, Mason's Hill (two miles southwest of Munson's Hill on the west side of Columbia Turnpike), Padgett's Tavern, (now Annandale, on highway 236), and at Springfield Station, on the Orange and Alexandria Railroad.

On August 28, each of the Union Commanders south of the Potomac ordered strong reconnaissance detachments sent out to his front, to determine what the Confederate advance meant. The most important of these local reconnaissances was that made by Gen. Richardson's brigade towards Munson's Hill. A force of approximately a thousand men was directed to advance along Columbia Turnpike as far as Bailey's Cross Roads. Maj. Stephen A. Champlin, Third Michigan Infantry, was in command, and we are indebted to his report and sketches for the details of the action. Maj. Champlin left a reserve of 400 men at Hunter's Chapel, established a support of 40 men about a mile to the west at Arlington Mills, another support of 60 men on Columbia Pike, about a quarter of a mile west of Arlington Mills, a third support of 100 men a quarter of a mile farther along the Turnpike, and stationed his advance party of 250 men at Bailey's

Cross Roads itself. All of these supports covered their front and flanks by skirmishers, while the whole detachment maintained contact with a similar detachment from Franklin's Division which advanced on their left along the Leesburg Turnpike (Highway 7) as far as Bailey's Cross Roads.

The advance party of 250 men at Bailey's Cross Roads was commanded by Capt. Louis Dillman, of the 2nd Michigan Infantry. His skirmishers advanced along the Columbia Pike towards Annandale, and along both sides of the Leesburg and Alexandria Turnpike, toward Munson's Hill. Meanwhile the Confederates on Munson's Hill deployed their skirmishers, who opened fire upon Capt. Dillman and stopped his advance. The opposing lines of skirmishers remained in place and kept up a brisk fire fight from 10 o'clock in the morning until 10 o'clock that night. During the morning, Col. Stuart had a rifled cannon from the Washington Artillery brought to the top of Munson's Hill and opened fire on the Union forces near Bailey's Cross Roads at a range of 1350 yards. In Stuart's own words:

"The shots took effect admirably, dispersing the entire force at that point, and developed what it was my object to ascertain,—that they had no artillery there. Munson's Hill is a fine place for a battery, and is more capable of defense than Mason's Hill. The fire of the artillery dispersed also a long line of skirmishers, who ran precipitatedly without being in the slightest danger from its shots. I believe this is a fine line of defense; I mean the line passing through this and Mason's Hill. Every inch of the roads is visible from here to Bailey's Cross Roads. The force now here and at Falls Church I consider sufficient for the present, and the best school of practice possible for our troops. I consider the enemy's design not to meet us outside their trenches in force pretty well developed. . . .

P.S. The scattered fragments of the force at Bailey's Cross Road reassembled, and I have the piece in position to stir them up again whenever they group in sufficient force to warrant the expenditure of our ammunition."

The opposing forces remained in position, with their skirmishers in contact, all day Friday. Early Saturday morning, August 30, Major Champlin, who observing the Confederate position from the roof of Mrs. Hunter's house, saw what he estimated to be a force of two companies of Confederate Infantry moving east from Munson's Hill, with the apparent intention of cutting off Capt. Louis Dillman's advanced detachment at Bailey's Cross Roads. Major Champlin hastened for-

ward to warn Capt. Dillman of his danger, and to take command in person. The Confederates attacked, as Major Champlin expected, and were initially completely successful. They enveloped Capt. Dillman's right flank, drove in his skirmishers and forced him to abandon his position at Bailey's Cross Roads, and to fall back along the Columbia Turnpike halfway to Arlington Mills. Here Maj. Champlin put Lt. Morris' detachment of 60 men and Capt. Judd's command from Arlington Mills into action against the advancing Confederates, while he directed Capt. Dillman to move one of his companies to the north, under cover of the woods, so that they, in turn, could envelop the left flank of the Confederates. Now the situation was reversed: as soon as the enveloping attack started, the Confederate forces fell back to the positions they had occupied early in the morning.

Maj. Champlin's detachment advanced and reoccupied Bailey's Cross Roads. Then Capt. Dillman pushed out his skirmishers to their original position. The skirmishers on both sides kept up a desultory fire the rest of the day, and fired at each other for brief periods in the morning and afternoon on Sunday and Monday.

Maj. Champlin reported that the Union forces lost a total of two men wounded in this engagement, while the Confederates made no mention of their part in this phase of the action.

On Sept. 1, Maj. Champlin's Detachment withdrew to its camp near Hunter's Chapel. An interesting sidelight on this action is revealed in Capt. Dillman's report dated Sept. 3, 1861:

"Two privates of Company D—, J. Austin and P. F. Walworth,—straying from camp, passed through the enemy's lines and up to within some forty rods of the rear of their earthwork on Munson's Hill. Seeing two rebels near, they watched their chance, each picked his man, fired, and brought him to the ground. They returned safely to camp. They reported seeing about 500 men around the works."

Union newspapers of the period indignantly reported similar exploits by Southern sympathizers. They considered such bushwacking exploits indicated an innately cruel and depraved character. The incident reported by Capt. Dillman possibly helped to bring the matter to a head. At any rate, General McClellan endeavored to ameliorate some of the horrors of war by including the following paragraph in General Order No. 13, issued to the Army of the Potomac, on Sept. 16, 1861:

"The practice, which has to some extent prevailed, of firing upon the enemy's pickets, is contrary to the usages of

civilized warfare, and does not contribute to any good result. It is therefore directed that, in future, the picket and outpost guards are not to fire upon the enemy's pickets, unless it becomes necessary to resist their advance or to return a fire commenced by them."

The skirmishes at Bailey's Cross Roads were very important, and were so recognized at the time. The bold advance of Gen Richardson's Brigade during the latter part of August, and its occupation of Munson's Hill, three miles in advance of the Federal main lines, resulted in an immediate reaction by General Johnston. His patrols advanced all along the line and when the opportune moment arrived, he advanced his outposts and seized the high ground in the "no man's land" between the two armies at Falls Church, Mason's Hill, Padgett's Tavern, and Springfield Station.

These movements caused considerable alarm in Washington, and throughout the north. On August 30, the editor of the New York Tribune said:

"Whether there will be a battle near Washington within the next few days is a question to be decided by General Beauregard; after that, we believe General McClellan will have something to say about it."

On September 7, under the caption: "The Latest War News", he stated: "The rebels are imprudently enough pushing the work on their fortifications at Munson's Hill in sight of the Capitol, but this will probably not be allowed long to continue."

Johnston, on his part, was equally alarmed at the prospect of aggressive Federal action against his army. Both armies increased the activity of their patrols and reconnaissance detachments, but the continued increase in strength and improvement in morale of the Union Army of the Potomac enabled McClellan to fulfill the prediction of the editor of the New York Tribune, and to recapture Munson's Hill before the end of September.

Foxhunting In Fairfax County

Contributed by Edward F. Howrey

In the "pursuit of happiness," what could be more natural among the Colonial sporting gentlemen than to take up foxhunting. For more than 200 years their descendants have followed hounds in Fairfax County, Virginia.

Though foxes were hunted in Virginia in the Seventeenth Century with "dogs" of a mongrel breed there seems to be no record of wealthy planters breeding packs of hounds or hunting in the English manner until the early part of the following century. The enactment of Governor Gooch's tobacco inspection law of 1730 "enaugurated in the colony an era of prosperity and consequent extravagance, the like of which had never been known before. It was in that period that the local magnates prepared to abandon their plantation houses . . . and to construct mansion houses in the English tradition . . . ; to import and use 'chariots' for occasions of ceremony; to drink madeira as well as bumbo; to ride formally to hounds; and to keep horses for racing only . . . It was in 1739 that John Clayton, the botanist, affords the earliest evidence of the naturalization of classical fox hunting."¹

Among the early great, there is no doubt that George Washington of Mount Vernon (1732-1799) set the pace in the hunting field as he did in American public life. He was an ardent follower of hounds from early manhood until after the Revolution.

The man responsible for his learning the *Noble Science* at sixteen was Lord Thomas Fairfax. Lord Fairfax came to Virginia in 1746—"a man strayed out of the world of fashion at fifty-five into the forests of a wild frontier."² Upon his arrival he started keeping hounds in the English manner, and with his "style and finesse" was a tremendous influence upon neighborhood customs. "When the sport was poor near home (Belvoir), Fairfax would take his hounds to a distant part of the country, establish himself at an inn, and keep open house and open table to every person of good character and respectable appearance who chose to join him in following hounds."³

From 1759 to 1774 Washington devoted most of his spare time to foxhunting. There are more than two hundred references in his diary to individual hunts, with results recorded, mention of companions, weather, and scenting conditions.

1. Virginia Magazine, Vol. 35, 1927, p. 334.

2. George Washington, Woodrow Wilson; Harper & Bros., N. Y., 1898, p. 49.

3. Life of Washington, Washington Irving; Peter Fenelon Collier, N. Y., 1897.

Washington was precise in matters of behavior in the hunting field, his code requiring "that every action done in company ought to be with some sign of respect to those that are present."⁴ Here we have the Father of our Country giving to Foxhunters one of the first principles in the hunting field—respect and consideration.

He had one friend, General Charles Lee (1731-1782), who didn't believe in being separated from his pack even for a moment, and always had his "dogs" follow him wherever he went. While visiting he insisted upon taking them to his host's table as was his custom at home.⁵ When chided, his reply was, "I must have some object to embrace. When once I can be convinced that men are as worthy objects as dogs, I shall transfer my benevolence and become as staunch a philanthropist as the canting Addison affected to be."⁶

Washington rode "with ease, elegance and power and required but one good quality in a horse—to go along". Four of his favorites were *Ajax*, *Blueskin*, *Valiant* and *Magnolia*. Always perfectly mounted, wearing a "blue coat, scarlet waistcoat, buckskin breeches, top boots, velvet hat," and carrying a "whip with long thong," he planned on three days a week for hunting.

He personally supervised his stables and kennels. His hounds were so "critically drafted, as to speed and bottom, that in running, if one leading dog should lose the scent, another was immediately at hand to recover it."⁷

Martha Washington occasionally joined her husband in the chase "clad in scarlet habit."⁸ Also "Billy" Lee, variously described as Washington's Huntsman, friend and body servant, rode a great jumping horse called *Chinkling*. This man, whatever his actual capacity, had his portrait painted by the celebrated Peale.

Washington was forced to break up his kennels in 1785. The diary entry which is sometimes cited as his last hunting reference is one dated December 22, 1785:

Went a Fox hunting with the Gentlemen who came here yesterday, together with Ferninando Washington (his nephew) and Mr. Shaw (his secretary), after a very early breakfast.

Found a Fox just back of Muddy hole Plantation,

4. Washington Speaks for Himself, Lucretia Perry Osborn; Charles Scribner's Sons, N.Y., 1927.

5. General Charles Lee lived, I am told, at Sully, near Centreville.

6. Works of John Adams, Charles Francis Adams; Charles C. Little and James Brown, Boston, 1850, Vol. II, p. 414.

7. Recollections and Private Memoirs of Washington. G. W. Parke Custis; J. W. Bradley, Philadelphia, 1861, Chap. 19, p. 384.

8. "Wolfe and Washington as Sportsmen", by A. G. Bradley, in *The Badminton Magazine of Sports*, Vol. IX, 1899.

and after a chase of an hour and a quarter with my dogs, and eight couple of Doctor Smith's (brought by Mr. Phil Alexander) we put him into a hollow tree, in which we fastened him; and in the Pincushion put up another Fox which in an hour and 13 Minutes was killed.

We then after allowing the Fox in the hole half an hour, put the dogs upon his Tract and in half a Mile he took to another hollow tree and was again put out of it, but he did not go 600 yards before he had recourse to the same shift. Finding therefore that he was a conquered Fox we took the Dogs off and all came to Dinner except Mr. Danl. Dulaney, who left us in the Field after the first Fox was treed. Lund Washington came home with us to dinner.⁹

On January 4, 1828, a farmer wrote to Col. John Stuart Skinner, then publisher of the American Farmer, lamenting that there were not more sporting magazines (as in England), and more correspondents to relate the activities of the nearby hunts. He listed several, among them the Fairfax Hunt, the Centreville Hunt, and the Washington Hunt which frequently hunted in Fairfax County:

On fox-hunting, I can point you within the range of my personal observation to sources from which you might derive materials abundant and highly entertaining . . . There are at this time at active work, several packs of staunch hounds, that, if the country was equally favorable, would do their work in as quick time and as good style as any in Old England . . . At present, I will name only the *Fairfax Hunt*, the *Washington Hunt*, the *Belle-Air Hunt*, the *Annapolis and South River Hunt*, the *Centreville Hunt*, and the *Baltimore Hunt*. . . .

The *Washington* pack has probably mouthed the greatest number of foxes this season; but they have been almost all *greys*. This pack consisted last season of about seven couple of topping red fox dogs—with old *Rattler* (Surnamed *Industry*) to strike the trail far off—old *Juno* to lead and run close upon a hot scent, and *Slim* always at hand, with his cold nose, to hit it off at a loss upon a dry road—with a good break and a tolerable day, he must be a sly *reynard*, that did not give up the ghost in two hours.

9. Another and later entry has come to light indicating that Washington continued to hunt for some years after 1785—not often, but whenever he found time.

Shortly after this was written, there appeared the following tribute to old Juno whose cry was heard for the last time in Fairfax County:

Died, on the 25th ult. in Fairfax County, old *Juno*, for many seasons the favourite leader of the Washington pack of fox hounds.

If the deceased was not the best to *find*, she was amongst the best *chasing* hounds that ever was followed; whether at *hits*, *heels*, or close *running* she had few equals. Her voice was truth itself, and whenever she *gave tongue* her companions always *hark'd* with attention. But after herself *in at the death* of so many, grim death has *run into her*. Alas! nor the woods of Arlington, nor Chapman's fields, nor Factory hills, will ever more re-echo to her voice.

The American Turf Register for February, 1830, edited by the same Col. Skinner, gives a delightful account of a two days' hunt at Ravensworth in Fairfax County, New Year's and the day following, with several combined private packs:

Messrs. Terret's, Chichester's,¹⁰ and Darnes's hounds met at the Pines on New Years day to hunt Ravensworth and the neighboring grounds; and a more beautiful district for that delightful sport is not to be found. The country is cleared and open, with here and there a copse of wood, or pine thicket, and little or no fencing for miles.

From the number and respectability of the field of well mounted horsemen, and the number, beauty, and condition of the hounds, it is evident that fox hunting has lost none of its charms in Fairfax County. *Twenty-one horsemen and twenty-one couple of hounds* were at the place agreed upon, at the appointed hour.

The pack was thrown-off west of the Winchester turnpike; unkennelled a red fox in ten minutes, and drove him at a slashing rate to the centre of Ravensworth; where, after a quick succession of doubles; over ground stained by sheep, he was run into and killed; giving us a splendid chase of forty-five minutes. The fox was tally'd every five minutes, and the pack was constantly in our view. In less than an hour after the fox harbour cover was drawn, two red foxes were unkennelled. Thirteen couple went away with one, and eight couple with the

10. Mr. John Chichester Mackall, President of the Historical Society of Fairfax County and an active member of the Fairfax Hunt is a direct descendant of this Mr. Chichester, who kept a private pack of foxhounds in Fairfax County 128 years ago.

other; and both sets of dogs killed their fox in fine style. The first in one hour and thirty minutes; the second in less than two hours. Before parting for the night, *it was agreed to hunt the next day; and, accordingly, we had the same field and the same hounds.*

A red fox was found, and run to earth in little more than an hour; and another killed in one hour and fifty minutes. This last chase was like the first—a straight run of some miles, closing with a quick succession of doubles, over pasture grounds, the fox tally'd every five minutes, and the pack constantly in view. Thus ended two days' sport, rarely equalled in the annals of the chase; and wanting nothing but a uniform dress to give it all the splendor of an English fox hunt and render it worthy of the pen of a Somerville, or a Beckford.

The writer will not speak of the welcome which awaits the stranger's arrival in Fairfax County; nor the ample board and ample bowl;—they are in keeping with the good days of lang syne.¹¹

The same journal said that the "grey fox rarely holds out more than forty-five minutes before the *Ravenworth* pack."

One very busy statesman, in 1830, sent in a short report which leaves us "to imagine and to envy the pleasure" he enjoyed in a two days' excursion "from the political cabals of Washington (Hear! Hear!), to partake of the delights of the chase and the hospitalities of the fireside in Fairfax County." All he would tell us of this occasion, or the people who participated, was "that he never saw that Huntsman in the field who knew better how to hunt his dogs."¹²

And under the title "Connubial Tenderness," we find the following:

A gentleman equally remarkable for the urbanity of his manners and the excellence of his fox hounds, was addressed one evening in the following manner by his huntsman:—"And please your honor, Sir", twirling his quid and cap with equal dexterity, "I should be glad to be excused going tomorrow to Woodford Wood, because as how, I should like to go and see my poor wife buried." "I am really sorry for thee, Tom," replied his master, "we can do very well without thee for one day; she was an excellent wife!"

Notwithstanding, however, this kind permission, Tom

11. *American Turf Register*, February 1830, p. 309.

12. *ibid.*, April 1830, p. 402.

was the first in the field the following morning. "Hey day!" said his master, "did I not give you leave to see the remains of your poor wife buried, and to pay the last tribute at her grave?" "Yes, your honor, you did, to be sure; but I thought as how, being a fine morning, we should have good sport of it, so I desired our Dick, the dog feeder, to see her earthed."¹³

Woodford Wood may not have been in Fairfax County, but the moral will not be lost on the wives of the present members of the Fairfax Hunt.

Rabies were a scourge in 1831 as they are today. "We understand," said one correspondent, "that ravages have been made in some of the best packs of hounds in Fairfax County, Virginia. They have expired in painful convulsions, occasioned as it is supposed, by eating some poisonous matter; and we think it probable, that to the same cause may be ascribed what has been termed hydrophobia, amongst so many of the canine race, lately."¹⁴

From 1831 to 1902 research has drawn a blank, or perhaps the researcher merely grew tired, but we can rest assured that hunting continued in Fairfax County with seldom a blank day for hounds.¹⁵

We are told that great sport was had at the beginning of the present century by the Cameron (or Cameron Run) Hunt Club under the Mastership of Mr. Courtland H. Smith. In this case English hounds, rather than American, were maintained—thirteen couples—and the country hunted was near Alexandria, Ravensworth, and other parts of Fairfax County. Robert E. Lee, Jr., of Ravensworth, was President of the Club, which was reported to have seventy-five members in 1905. Another record indicates that Mr. Smith was Master, in 1902, of the Hampton Hounds which had headquarters at Alexandria, and hunted in the neighborhood of Mt. Vernon and Ravensworth.

The Courtland Smith referred to was an extraordinary and vital sporting character. He died a few years ago after long tenure as Mayor of Middleburg. About his foxhunting ability a contemporary of his said he was "one of the best men to hounds America has ever seen—he always knew where to go and went there, quick as a flash." So it is certain that the hunts in Fairfax County Mastered by this Mr. Smith must have seen some exciting days.

The present Fairfax Hunt, established in 1927 and recognized by the Masters of Foxhounds Association in 1933, was founded by the

13. *American Farmer*, Sept. 12, 1828, p. 205.

14. *American Turf Register*, March 1831, p. 341.

15. Many references were found to nearby hunts, some of which must have hunted Fairfax County. The Washington Hunt flourished during this period. The present Chevy Chase Club was first organized as the Chevy Chase Hunt in 1893.

late A. Smith Bowman of Sunset Hills. Mr. Stewart Preece has held the Mastership since 1939, and Mr. E. DeLong Bowman, son of the founder, is president. New kennels and a splendid club house were recently built at Sunset Hills on land donated to the Hunt by the president and his brother, A. Smith Bowman, Jr., both fine sportsmen.

Mr. Bowman, with his 7,000-acre farm, was a worthy successor to the many illustrious sporting gentlemen who founded and Mastered packs of foxhounds in Fairfax County. On one of his last meets when he was almost blind, held at the same Ravensworth mentioned so often in this brief history, mounted on his reliable mare "Kitty", Mr. Bowman rode up beside the writer and said, "I can't see the fences very well. When we come to the next one, please tell me, so I can tell 'Kitty'."

Acknowledgements

The foregoing was drawn almost entirely from J. Blan Van Urk's monumental work "The Story of American Foxhunting"; Derrydale Press, Vol. I, 1940, Vol II, 1941. The writer also consulted "A Sporting Family of the Old South," Harry Worcester Smith, J. B. Lyon Company, Albany, N. Y., 1936; "Hounds and Hunting Through the Ages", Joseph B. Thomas, Garden City Publishing Co., Garden City, N.Y., 1937; and various other interesting volumes on foxhunting.



GUNSTON HALL

(Courtesy of the Virginia Chamber of Commerce)

"A Chronological Outline Of The Life Of George Mason And His Contributions To The Rights Of Man"

*An address by General Latane Montague, Director of Gunston Hall,
given at the Spring Meeting of the Historical Society of
Fairfax County, May 31, 1953.*

Mr. President, ladies and gentlemen of the Historical Society of Fairfax County—it gives me great pleasure to welcome you individually and as a Society to Gunston Hall.

My subject this evening, George Mason of Gunston Hall, concerns one of the most eminent citizens and statesmen of Fairfax County and of the State of Virginia. This meeting at his home, and near his resting place in the family graveyard, will, I trust, inspire each of you to seek public recognition of this great man, to whom every American since the Revolution is deeply indebted.

Dramatizers of history have a knack of keeping the names of successful politicians and soldiers freshly burnished, and our parks and public halls hold their images in bronze and marble to refresh our memories. However, the records indicate that they have neglected this great patriot. To make matters worse for those of us who now wish to give him proper recognition, we find but little of record.

George Mason kept no known diary, as did Washington and Adams; nor did he write an autobiography, such as those of Jefferson and Franklin. His writings are now widely scattered or destroyed. The Honorable Carter Pittman of Dalton, Georgia, is now making an effort to locate manuscripts from George Mason's pen, or copies made before their disappearance, which remain unpublished. I wish him great success in his undertaking, and if any of you should know of any Mason papers now in existence I know that he would be most appreciative to learn of their whereabouts.

Only two works on the life of George Mason are on record in the Congressional Library—"Life, Speeches and Letters of George Mason," by Rowland, and the more recent work of Hill—"George Mason-Constitutionalist." His contributions to democracy and to the rights of the individual have been the subject of addresses and short articles in recent years, but he still remains virtually unknown to the masses who are so greatly indebted to him.

We find his statue at the base of the Washington Monument in the Capitol grounds in Richmond, along with Virginia's other great—Jefferson, Henry, Lewis, Clark, Monroe, Marshall and Nelson, and his bust is in the Rotunda.

More recently when a learned committee was choosing likenesses

of the great law makers thru the ages, to place in the redecorated House of Representatives, Mason and Jefferson were the only two Americans so honored.

In the brief space of time we have this evening it will be necessary to summarize and follow closely a chronological schedule, to cover the high points of George Mason's life, and his contributions to the rights of man, for which he so steadfastly fought.

George Mason of Gunston Hall was born in 1725, not far from where we are now assembled, on Mason's Neck. He was the fourth to bear that name in Virginia; his great-grandfather having immigrated to Virginia in 1651, after Cromwell's defeat of Charles' forces at the Battle of Worcester.

His antecedents held offices in the colony; his father was one of the Knights of the Golden Horse Shoe, who accompanied Governor Spotswood across the Blue Ridge, and later was County Lieutenant of Stafford County, which included Fairfax at that time.

Mason lost his father when he was 10; he was drowned while crossing the Potomac in a sail boat.

His education was entrusted to his mother, and a kinsman and guardian, Colonel John Mercer of Marlborough, Stafford County. In the present sense of the word, George Mason had no formal education as did his younger brother, Thomson, who was sent to England to study law; but his guardians kindled the spark for learning and the result indicates that they did a magnificent job. That he developed into a student must be admitted; and that he had no peer in his knowledge of constitutions and man's fight thru the ages for justice and human rights is most evident from his preserved writings.

George Mason was a modest, retiring man, happily married to Anne Eilbeck who bore him nine children. He sought no public office, and when tendered a seat in the Senate, declined to accept for personal reasons. Many of his thoughts were introduced by others, and as a result he has never received proper credit for their conception.

Mason's knowledge of constitutions, and of the British Constitution in particular, was the foundation for many of his thoughts.

The American colonist, altho he considered himself a loyal Englishman, did not receive the rights guaranteed to a subject who remained in the British Isles. It was this injustice under the Royal Charters and Orders which precipitated the Revolution.

In 1761, the Royal Governors were instructed by the Crown that if they should in the future assent to any law emancipating the judges from control of the Crown by tenure during good behavior, the Governor would be removed from his government. Mason noted this for future reference, as he had already decided that the judiciary, to be fair, must be separated from the executive branch.

When the Stamp Act of 1764 was passed, and the news reached the colonies, indignation was wide spread. At the request of Washington, who was then a member of the House of Burgesses, Mason prepared a bill providing for the avoidance of using stamped paper, which Washington introduced. The reaction to the Stamp Act was so violent that it was repealed in 1766.

Mason replied to an open letter to the colonists, written by a committee of London merchants, which implied that the colonists should be most grateful for this concession made by the Crown; he signed his letter "A Virginia Planter". He said in part, "We claim nothing but the liberty and privileges of Englishmen; we cannot be deprived of them without consent but by violence and injustice—and we will transmit them unimpaired to our posterity—these are the sentiments of a man who spends most of his time in retirement, and who has seldom meddled in public affairs."

In 1769, when the Townsend Act was passed by Parliament, placing heavy taxes on many items of import, including some of the necessities of life, Washington again requested Mason's opinion. The non-importation resolutions were Mason's answer; these were introduced by Washington in the House of Burgesses, when it adjourned to Raleigh Tavern, after having been dissolved by the Royal Governor. Mason's original draft was a stronger document, calling for a non-exportation clause to supplement the non-import clause. The Townsend Act was repealed in 1770.

In 1774 after Parliament passed the so-called "Intolerable Acts", including the Boston Port Bill, which precipitated the famous tea party, feeling against the mother country was running high. Washington threatened to raise and equip at his expense a thousand men and march to the aid of Boston. Mason's answer to this latest injustice was the famous "Fairfax Resolves". These summarized the grievances of the colonies and comprised the first clear written statement defining the rights of the colonies in relation to the mother country. The "Fairfax Resolves" were adopted at a protest meeting of citizens at Alexandria in July. In August these became the Virginia Resolves; Jefferson introduced a similar set of resolutions in his native Albemarle County a short time later, and still later they became the "Resolves of the Continental Congress" on 14th October 1774.

Rupert Hughes, writing of the Fairfax Resolves, said: "They are so well reasoned, so superbly written, that they give George Mason a place among the masters who poured forth the noble literature of that time. They are in themselves justification for the Revolution".

At a meeting which adopted the Fairfax Resolves, Mason and Washington were appointed to a committee to act for the County in the event of emergency. Mason evolved the plan for creating the

"Fairfax Independent Company of Volunteers". Washington was the Company's first Captain. This was the first organized militia in the new world. The organization and instructions in Mason's own handwriting have recently come to light in a book shop in Washington.

The uniform designated in the instruction was blue and buff and, possibly as an economy, appears to be that later prescribed by Washington for the Continental Army.

Mason was a delegate to the Virginia Convention of 1775, where he was active in preparing an ordinance for raising a militia. He declined appointment to the Continental Congress, using as an excuse for not accepting, his orphan children. However, he was drafted to the Committee of Safety; on this committee he supervised the building and outfitting of sloops for the defense of the Potomac River.

He was again elected a delegate to the Convention of 1776. It was this Convention which severed all ties with the mother country.

The Convention had been in session for some days when Mason arrived in Williamsburg. An effort was being made to prepare a Declaration of the Rights of Man, and Mason was appointed to this committee where he produced his most noted writing, "The Virginia Declaration of Rights", which was unanimously adopted on 12th June, 1776, with but minor changes. This document is considered by the greatest authorities to be the most concise assertion of the rights of man to be free from oppression by government. This declaration is the basis of the Declaration of Independence as drafted later the same year by Jefferson. It is also the complete foundation of the first ten amendments to the Federal Constitution, "The Bill of Rights," which became the law of the land on 15th December, 1791.

Immediately after the adoption of the "Declaration of Rights", Mason was appointed to a committee to draft a Constitution. It was a large and unwieldy group of thirty-four members, all with more or less varied ideas. While this committee was arguing and working, Mason produced his own version. Edmund Pendleton, a member, said, "That produced by George Mason swallowed up all the rest by fixing the ground and plan." This Constitution was adopted and became the first written Constitution of a free Commonwealth. It has been used as a guide for other State Constitutions drawn since, as well as for the Constitution of the United States.

Jefferson, writing in 1825, stated, "The fact is unquestionable, the Bill of Rights and the Constitution of Virginia were drawn originally by George Mason, one of our really great men, and of the first order of greatness."

Mason's draft of the Constitution was so farsighted that it endured more than fifty years without change. This Constitution, along with the Declaration of Rights, was translated and printed in France and

given wide distribution. It is believed by many that these documents accelerated the French Revolution. Certainly, the Declaration of Rights served as a model for the French "Les Droits De L'Homme".

At this same Convention, Mason was appointed Chairman of a committee of three to design an appropriate State Seal. Our present seal, with its motto, "Sic Semper Tyrannis" was the accomplishment of this committee.

In 1776 Mason collaborated with Jefferson, Madison, George Wythe and Edmund Pendleton in the production of a Code of Laws for the new Commonwealth.

In 1785 Mason was named Commissioner for Virginia to arbitrate a controversy between Virginia and Maryland over navigation and other rights on the Potomac River. This Commission first met at Mt. Vernon and later at Annapolis where it was decided that more than the two states were involved. This meeting at Annapolis led to the Convocation at Philadelphia in 1787, the Convention which framed the Constitution.

George Mason was one of the delegates from Virginia to this Convention, over which Washington presided. He was most active and his skill in debate impressed the ablest. Madison, who was not a great admirer of Mason, was forced to admit "George Mason possessed the greatest talents for debate of any man I have ever seen or heard speak".

Mason attempted to have a declaration of rights incorporated in the Constitution, but was voted down almost unanimously. He specifically was opposed to a central government with unfixed powers; he desired the powers of the legislative branch to be limited, and was able to have inserted in Article I of the Constitution the words, "Herein Granted", which passed practically unnoticed. He was an advocate of the abolition of slavery, and when this subject was under debate his remarks were prophetic: "Slavery brings the judgment of Heaven upon a country. As nations cannot be punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities." The Civil War bears out this prediction, and the adoption of the Thirteenth Amendment in 1865 must have brought peace to his spirit.

Mason also desired to limit the term of office of the President, as well as members of the Senate. Congress, in 1951, finally took action on the first of these when they placed a limit on the number of terms a President may serve.

Mason declined to sign the Constitution and openly campaigned against its ratification by his native state. His insistence that a bill of rights be incorporated finally bore fruit at the Richmond Ratifying Convention where Henry, Monroe, Benjamin Harrison and other

patriots joined him in his fight. Mason's phraseology was used in these "Subsequent Amendments", which were introduced in Congress by Madison and became the law of the land on 12th December, 1791.

It is most interesting that Mason did not represent his native Fairfax at the Ratifying Convention, but he was the choice of Henrico, Prince William and Fauquier Counties. A sufferer from chronic gout, he returned from Richmond a broken man and retired to Gunston Hall, where, on 7th October, 1792, death came—and, with time, semi-oblivion.

George Mason's will on file in the Fairfax Court House* carries the following charge to his sons:

"I recommend it to my sons from my own experience in life, to prefer the happiness of independence and a private station, to the troubles and vexation of public business, but if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interest or ambition induce them to betray, nor the terrors of poverty and disgrace, or the fear of danger or of death, deter them from asserting the liberty of their country, and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

* Will Book F, No. 1, page 95.



MARTHA WASHINGTON

From original miniature painted by James Peale in 1796

(Courtesy of the Mount Vernon Ladies' Association)

Martha Washington's Will and The Story of Its Loss and Recovery by Fairfax County

COPY OF MARTHA WASHINGTON'S WILL

In the name of God Amen

I Martha Washington of Mount Vernon—in the County of Fairfax being of sound mind and capable of disposing of my Worldly Estate do make Ordain and declare this to be my last will and Testament hereby revoking all other Wills and Testaments by me heretofore Made. IMPRIMUS, It is my desire that all my Just Debts may be punctually paid, and that as speedily as the same can be done—

ITEM. I give and devise to my Nephew Bartholow Dandridge and his Heirs my lot in the town of Alexandria situate on Pitt and Cameron Street devised to me by my late Husband George Washington deceased—

ITEM. I give and bequeath to my four Nieces Martha W. Dandridge, Mary Dandridge, Frances Lucy Dandridge and Francis Henly the debt of Two Thousand pounds due from Lawrence Lewis and secured by his bond, to be equally divided between them or such of them as shall be alive at my death and to be paid to them respectively on the days of their respective marriage or Arrival at the age of Twenty One Years Whichsoever shall first happen together with all the Interest on said Debt remaining unpaid at the time of my death, and in case the whole or any part of the said principal sum of Two Thousand pounds shall be paid to me during my life then it is my Will that so much Money be raised out of my Estate as shall be equal to what I shall have received of the said principal debt and distribute amoung my four Nieces aforesaid, as herein has been bequeathed and it is my meaning that the interest accruing after my death on the said sum of Two Thousand pounds shall belong to my said Nieces and be equally divided between them or such of them as shall be alive at the time of my death, and be paid annually for their respective uses untill they receive their shares of the principal. ITEM, I give and bequeath to my Grand-son George Washington Parke Custus all the Silver plate of every kind of which I shall die possessed, together with the two large plated Coolers, the four small plated coolers with the Bottle Castors, and a pipe of Wine if there be one in the house at the time of my death—also the Set of Cincinati tea and table China, the bowl that has a stop in it, the fine Old China Jars which usually stand on the Chimney piece in the New Room also—all the family pictures of every Sort, and the pictures painted By his sister, and two small skreens worked one by his sister and the other a present from Miss Kitty Brown—also his Choice of—prints—Also the two Girandoles and Lustres that stand on them—also the new bed stead which I caused to be made in Philadelphia

together with the bed, matrass, boulsters and pillows and white dimity Curtains belonging thereto; also the two other beds with bolsters and pillows and the white dimity Curtains in the New Room also the Iron Chest and the desk in my Closet which belonged to my first Husband; also all my books of Every Kind except the Large Bible, and the Prayer Book, also the set of tea China that was given me by W Vanbram every piece having M W on it—

ITEM. I give and bequeath to my Grand Daughter Elizabeth Parke Law, the dressing Table and Glass that stands in the Chamber called the Yellow Room, and General Washingtons Picture printed by Trumbull. ITEM. I give and bequeath to my Grand Daughter Martha Peter my writing table and the seat to it standing in my Chamber, also the print of General Washington that hangs in the passage—

ITEM. I give and bequeath to my Grand Daughter Eleanor Parke Lewis the large looking glass in the front parlour, and any other looking glass which she may choose—also One of the New side board Tables in the New Room also twelve Chairs with Green bottoms to be selected by herself also the marble table in the Garret also the two prints of the dead soldier, a print of the Washington Family in a box in the Garret and the Great Chair standing in my Chamber; all the plated ware not hereinbefore Otherwise bequeathed, also all the sheets table linen, Napkins towels pillow cases remaining in the House at my death, also three beds and bedsteads Curtains Bolsters and pillows, for each bed such as she shall choose and not herein particularly otherwise bequeathed, together with counterpains and a pair of blankets for each bed, also all the Wine Glasses and decanters of every kind, and all the blue and white China in Common use. ITEM it is my will and desire that all the Wine in Bottles in the Vaults to be equally divided between my Grand Daughters and Grand-son to each of whom I bequeath Ten Guineas to buy a ring for each. ITEM it is my will and Desire that Anna Mariah Washington the daughter of my Niece be put into handsome Mourning at my death at the Expence of my Estate and I bequeath to her Ten Guineas to buy a ring— ITEM. I give and bequeath to my Neighbor Mrs. Elizabeth Washington five Guineas to get something in remembrance of me—ITEM I give and bequeath to Mrs. David Stuart five Guineas to buy her a ring—ITEM I give and bequeath to Benjamin Lincoln Lear one hundred pounds Specie to be vested in funds Stock of the United States immediately after my decease and to stand in his Name as his property which investment my Executors are to cause to be made. ITEM When the Vestry of Truro parish shall buy a Glebe I devise Will and bequeath that my Executors shall pay one hundred pounds to them to aid of the purchase, provided the said purchase be made in my life-time or Within three years after my decease— ITEM, It is my will and

desire that all the rest and residue of my Estate of whatsoever kind and description not herein specifically devised or bequeathed shall be sold by the Executors of this my last Will for ready Money as soon after my decease as the same can be done and that the proceeds of thereof together with all the Money in the House and the debts due to me (the debts due from Me and the legacies herein bequeathed being first satisfied) shall be Invested by my Executors in Eight p. Cent stock of the funds of the United States and shall stand on the books in the Name of my Executors in their Character of Executors of my Will and it is my desire that the Interest thereof shall be applied to the proper Education of Bartholomew Henly and Samuel Henly the two youngest sons of my Sister Henly, and also to the Education of John Dandridge, son of my deceased Nephew John Dandridge so that they may be severally fitted and accomplished in some useful trade and to each of them who shall have lived to finish his Education or to reach the age of Twenty-one years, I give and bequeath one hundred pounds to set him up in his trade—ITEM, My debts and legacies being paid and the Education of Bartholomew Henly, Samuel Henly and John Dandridge aforesaid being completed, or they being all dead before the completion thereof, it is my will and desire that all my Estate and Interests in whatever form Existing whether in money funded stock or any other species of property shall be equally divided among all the persons herein-after mentioned who shall be living at the time that the interest of the funded stock shall cease to be applicable in pursuance of my Will hereinbefore Expressed to the Education of my Nephews Bartholomew Hendly, Samuel Hendly and John Dandridge, namely among Anna Maria Washington daughter of my Niece and John Dandridge son of my Nephew and all my Great Grandchildren living at the time that the interest of the said funded stock shall cease to be applicable to the education of the said B. Hendly, S. Hendly and John Dandridge and the same shall cease to be so applied when all of them shall die before they arrive to the age of Twenty One Years, or those living shall have finished their Education or have arrived to the age of twenty one Years, and so long as any one of the three lives, who has not finished his Education or Arrived to the age of Twenty One years, the Division of the said Residum is to be defined and no longer—Lastly I nominate and appoint my Grand Son George Washington Parke Custus, my Nephews Julius B. Dandridge and Bartholomew Dandridge and my son in law, Thomas Peter Executors of my last will and testament. In witness whereof, I have hereunto set my hand and seal this Twenty-Second day of September in the year eighteen hundred.

MARTHA WASHINGTON. (SEAL)

Sealed, signed acknowledged and Delivered as her last Will and

Testament in the presence of us the Subscribing witnesses who have been requested to subscribe the same as such in her presence—

ROGER FARRELL.
WILLIAM SPENCE.
LAWRENCE LEWIS.
MARTHA PETER.

March 4th, 1802.

I give to my Grand Son George Washington Parke Custis my Mullatto Man Elijah, that I bought of W. Butler Washington to him and his Heirs forever—

M. WASHINGTON.

AT A COURT held for Fairfax County the 21st day of June 1802 This last Will and Testament of Martha Washington deceased was presented in Court by George Washington Parke Custis and Thomas Peter, two of the Executors therein Named, who made thereto, and the same being proved by the oaths of Roger Farrell, William Spence, and Lawrence Lewis three of the subscribing witnesses thereto is together with a Codicil of Memorandum endorsed, ordered to be recorded— and the said Executors having performed what the law requires, a certificate is Granted them for obtaining a probate thereof in due form—

Teste,

WM. MOSS, C.C.

A COPY: Teste,

F. W. RICHARDSON.
*Clerk of the Circuit Court
of the County of Fairfax, Virginia..*

STATEMENT OF THE RECOVERY OF THE WILL OF MARTHA WASHINGTON*

At the outbreak of the Civil War, Fairfax county was rich in documents pertaining to her interesting development as a county and to those of her citizens who had borne a distinguished part in the Colonial Government as well as in the establishment of our independence. These papers were stored in the archives of the county, and were ruthlessly pillaged by federal soldiers during the Civil War.

Among the most valued papers thus lost to the county was the last will and testament of Mrs. Washington.

* This statement was taken from the Annual Report of the Attorney General to the Governor of Virginia for the year 1916.

After the lapse of many years, one or more letters of inquiry were received by the clerk of Fairfax county, Mr. F. W. Richardson, inquiring if the document then offered for sale in some northern city as the original last will and testament of Martha Washington was an authentic one. The clerk responded to these inquiries that if the document in question was authentic that it could not be purchased with propriety as it was rightfully the property of Fairfax county.

In 1908 Hon. R. Walton Moore, a resident of Fairfax, heard that the will had been purchased by the elder Mr. J. P. Morgan and added to his large and valuable collection of original historical documents. Mr. Moore informed Hon. C. V. Ford, the Commonwealth's attorney of the county, of this fact, and Mr. Ford in turn called the matter to the attention of the board of supervisors. He was instructed by them to write Mr. Morgan, claiming the will as the property of Fairfax county, and asking for its return. Mr. Ford addressed two letters to Mr. Morgan on the subject but received no response to either.

In 1913, after the death of Mr. Morgan, a local chapter of the D. A. R. determined to appeal to Mr. Morgan's son in the interest of the county. The following letter, properly endorsed by the clerk of the court was forwarded to him:

The Oaks, Fairfax, Va., November 10, 1913.

*To the Honorable J. Pierpont Morgan,
New York, N. Y.*

DEAR SIR:

Since the death of your lamented father, the statement has appeared several times in the press that among the valuable papers in his collection was to be found the will of Martha Washington. This will was stolen from the records of Fairfax county during the Civil War. Its loss has been deeply deplored by the Washington family, the State of Virginia and the county of Fairfax. The will of George Washington was miraculously preserved from the vicissitudes of the same war. It is among the archives of Fairfax county, and is kept in a fire-proof apartment of the clerk's office. It is an object of much reverence and interest, and many persons make the pilgrimage to this small Virginia village to see the will of the Father of our Country.

Surely there is no repository as appropriate for the will of Martha Washington as an honored place by her husband's will among the records of that Virginia county in which they lived and died.

If this will is in your father's collection of historic papers, I most respectfully and earnestly request you to return it to the people of Fairfax county, and assure you that your generous action in so doing will be acclaimed by our entire Commonwealth.

Yours with great respect,

(Signed) MARY GRIMSLEY BARBOUR,
*Regent, Falls Church Chapter National Society,
Daughters of the American Revolution.*
(Mrs. Jno. S. Barbour.)

To which the reply was received:

23 Wall St., New York, November 11, 1913.

MRS. J. S. BARBOUR,
Fairfax, Va.

DEAR MADAM:

Your letter of November 10th has been received. Mr. Morgan is at present in Europe. I will place your letter before him on his return to this country, which is expected about the middle of December.

Yours very truly,

(Signed) A. L. BANGERT,
Secretary pro tem.

And later a second reply:

Mr. Morgan's Library, New York, December 26, 1913.

MRS. J. S. BARBOUR,
Fairfax, Va.

DEAR MADAM:

Upon his return from England, Mr. J. P. Morgan has read your letter of November 10th, and in reply has asked me to say that he regrets he is unable to accede to your request that the will of Martha Washington be returned to the archives of Fairfax county.

Mr. Morgan desires me to say that he will be glad to have this will photographed and send you a set of such photographs, if you so desire. He would appreciate the return courtesy of a photographic reproduction of the will of George Washington, which is deposited in the archives of Fairfax county.

Very truly yours,

(Signed) BELLA DA COSTO GREENE,
Librarian.

This response was not satisfactory and was the subject of discussion at an impromptu gathering on the evening of January 4, 1914, at which Mr. and Mrs. J. S. Barbour, Mr. and Mrs. R. W. Woodley and Mr. and Mrs. R. E. Thornton were present. It was decided then not to accept Mr. Morgan's refusal as final.

Confident of the justness of the demand, they sought some method of presenting it to Mr. Morgan not offensively, but as expressive of the deliberate judgment of the State, and, in event of his continued refusal to accede thereto, of submitting the claim to an impartial and competent tribunal whose decision could be enforced without the delay and expense so incident to litigation between individuals.

Owing to the fact that the Virginia legislature, then about to assemble, meets but once in two years, and that further delay might prejudice the rights of the county and State, it was thought prudent to have both purposes provided for in a single bill pursuant to a plan first suggested by Hon. John S. Barbour.

Efforts by the local authorities and the Daughters of the American Revolution to recover the will having proved unavailing, the Hon. R. E. Thornton, representing the counties of Fairfax, Prince William and Alexandria, introduced in the Senate of Virginia, the following bill, which was duly passed by both Houses of the General Assembly and on the 30th day of January, 1914, approved by the Governor:

CHAP. 5 (of Acts of 1914, page 7).—An Act to authorize the institution of proper proceedings in the name of the Commonwealth of Virginia to enforce the return to it of the original will of Martha Washington.

Whereas, The original last will of Martha Washington, of Mt. Vernon, the widow of George Washington, dated September second, eighteen hundred, was duly proven before the county court of Fairfax County in the State of Virginia on June twenty-first, eighteen hundred and two, and was ordered to be recorded therein, and thereupon was deposited among the archives of the county court of Fairfax county, whereby it became a public record and document of the State of Virginia and remained thereafter in its possession among the archives of Fairfax county until it was stolen from among the same at some time during the War between the States on a day and by a person unknown; and

Whereas, The said document is of great historic, literary and pecuniary value apart from its value as a muniment of title to the large real and personal estate within the State of Virginia disposed of under its provisions and

should therefore be restored to its legal and proper custody; and

Whereas, It has recently been ascertained that the said original document so stolen as aforesaid is now in the custody and control of one John Pierpont Morgan, a citizen of the State of New York, who has declined to restore the same to the archives of the said county of Fairfax, although he has been informed of the circumstances of its removal therefrom and has been requested to restore the same; now, therefore,

1. Be it enacted by the General Assembly of Virginia, That the Governor of this Commonwealth be, and he hereby is, authorized and directed to cause formal demand to be made on the said John Pierpont Morgan for the return of the said last will and testament of Martha Washington to the State of Virginia.

2. That in event the said demand be not complied with within a reasonable time, the Attorney General of this Commonwealth is hereby authorized and directed to institute in the Supreme Court of the United States of America and to prosecute to final conclusions, in the name of the Commonwealth of Virginia, such suit or suits at law or in equity against the said John Pierpont Morgan, his heirs, or assigns, and such other person or persons as may be proper, in order to enforce the right of the Commonwealth of Virginia to the possession and custody of said document, and the Attorney General is hereby authorized to associate with him in the prosecution of said suit the Commonwealth's attorney of Fairfax county, Va., and such other attorney or attorneys as the board of supervisors of Fairfax county may request to be associated with him, provided that the compensation, if any, of such associate attorneys shall be provided by the said board of supervisors of Fairfax county.

3. Upon the recovery of the possession of the said document, it shall be delivered to the clerk of the circuit court of Fairfax county, Va., for deposit and safe keeping among the archives of Fairfax county.

In view of the importance of the immediate restoration of the paper to its proper place as one of the records of the clerk's office of the county of Fairfax, an emergency is declared to exist, and this act shall be in force from its passage.

The Governor, in pursuance of the foregoing act, requested his friend, Mr. Walter L. McCorkle, president of the New York Southern Society, to approach Mr. Morgan with a view of securing the surrender of the will. Mr. McCorkle interviewed Mr. Morgan, and, as a result of such interview, suggested to the Governor that he address Mr. Morgan directly on the subject. The Governor accordingly addressed the following communication to Mr. Morgan:

March 16, 1914.

MR. J. P. MORGAN,
New York City.

MY DEAR SIR:

Realizing that you are fully informed as to the recent agitation in Virginia on the question of the Martha Washington will, and the various proceedings in relation thereto, I feel that it is unnecessary to present to you any detailed statement on the subject.

Coming into the Governorship of the State on February 1st of this year, and looking carefully into the whole situation of affairs as then presented, it occurred to me that it would be proper to take the matter up with you through a representative Virginian living in New York.

Acting on this idea, I requested Mr. Walter L. McCorkle, president of the New York Southern Society, to call on you and state my desire that some line of action might be taken which would be deemed mutually agreeable. This has been done as my friend and representative.

In accordance with his suggestion, I now write to you personally on the subject to express the hope that some happy adjustment of the matter may have occurred to you, which will be satisfactory to all parties concerned.

Awaiting your suggestions, which I trust will be responsive at least in spirit to the respectful and courteous consideration which controls my own action, I am,

Very truly yours,
H. C. STUART,
Governor.

To which Mr. Morgan replied:

23 Wall Street, New York, March 17, 1914.

HON. H. C. STUART,
Governor of Virginia,
Richmond, Va.

MY DEAR SIR:

I am very pleased indeed to receive your letter of March

16th in regard to the will of Martha Washington, which is now in my possession. I may mention that the visit of Mr. Walter L. McCorkle, to which you refer, and your very agreeable letter, constitute the only official word I have had upon this subject.

In regard to the will, I have only one desire, which is that the document should be where it can be best preserved and of most use to the people of the United States. I am sure that this is also the desire of yourself and of the Commonwealth of Virginia. I therefore venture to make the following suggestions:

The Fairfax county court-house, from what I am informed, is not fire-proof, nor are documents kept in such a way as to make them available to any large number of people. I also understand that the original will of George Washington is at present stored in that court-house. I suggest, therefore, that the Commonwealth of Virginia, or Fairfax county, should direct the keeper of the documents in the court-house to place the original will of George Washington on exhibition at Mount Vernon, for an indefinite period, where it would be available for the instruction of a large number of people, and where it would have the benefit of the great care and protection against fire now given to Mount Vernon. If this were done, I should be glad to present the will of Martha Washington to the Mount Vernon Ladies' Association for permanent exhibition there. By this arrangement the two documents would be together at the place where they were made and where a great number of people will have the satisfaction of seeing them.

Should the Commonwealth of Virginia not be willing to do this, because of the well-known fact that Mount Vernon itself is not fireproof, though such excellent care is taken to prevent accidents, then I propose that the Commonwealth should present the will of George Washington to the Library of Congress, to be forever kept with the public records there, and I should present the will of Martha Washington to the nation for the same disposition. It seems to me that the bringing together of the two documents is of interest and importance. If they are placed at Mount Vernon they remain in Fairfax county and would be given as good care as possible there; if they are placed in the Library of Congress they leave

the Commonwealth of Virginia, but, on the other hand, they would be in the custody of one of the great libraries of the world and in a place which belongs to the whole nation. It seems to me that either arrangement would be quite appropriate, and I shall be pleased indeed to do my part in carrying out whichever of the two would be most satisfactory to the Commonwealth of Virginia.

I am, dear sir, with great respect,

Yours very truly,

J. P. MORGAN.

To which the Governor replied:

April 8, 1914.

J. P. MORGAN, ESQ.,
23 Wall Street,
New York City.

MY DEAR SIR:

I am in receipt of your very courteous letter of March 17, which would have been acknowledged earlier but for the necessity for some correspondence in connection with the subject in hand, and consequent delay incident thereto.

After getting the facts fully before me, I regret to have to say that your letter does not meet the views of the people whom I represent and for whom I speak. The objection you urge against the delivery of the Martha Washington will to Fairfax county is, I fear, unfounded, since it is stated by prominent persons of that county that the clerk's office, in which this will would be kept, and in which the George Washington will is now on exhibition, is a brick building with fireproof vaults, in which all the county records are preserved. It is thought by capable and observant people that the will would be absolutely safe in this building.

I will suggest, therefore, though I will not urge upon your attention at this juncture, that the people of Virginia hold that the Martha Washington will is a part of the records of Fairfax county, and that it belongs there, if anywhere in Virginia.

We had hoped, and indeed expected, that some agreement could be arrived at with respect to this matter which would be mutually satisfactory. Not wishing to drop the negotiations at this stage, I now venture to renew the

request made through my friend and representative, Mr. Walter L. McCorkle.

Awaiting your further advices, I am.

Very truly yours,

H. C. STUART,
Governor.

To which Mr. Morgan replied:

23 Wall Street, New York, April 17, 1914.

HON. H. C. STUART,
Governor of Virginia,
Richmond, Va.

MY DEAR SIR:

I am in receipt of your letter of April 8th and regret to learn from it that neither of my suggestions meets with your approval. The dispositions which I proposed, reached in deliberation, still impresses me as the best that could be made of these historic documents, and their declination leaves me at a loss for additional suggestion.

Thanking you for the courtesy which you have accorded me throughout our exchange of letters, I am, dear sir, with great respect,

Yours very truly,

J. P. MORGAN.

After passing these letters, the Governor had a personal interview with Mr. Morgan, in Mr. Morgan's home in New York, but no settlement was reached.

On July 15, 1914, the Governor addressed Mr. Morgan the following letter:

MR. JOHN PIERPONT MORGAN,
New York City.

SIR:

In pursuance of chapter 5 of the Acts of the General Assembly of Virginia, 1914, I hereby make, through my representative, Mr. Robert L. Parrish, a formal demand on you for the return to the State of Virginia of the last will and testament of Martha Washington.

I am handing you, herewith, a copy of the statute under which it becomes my duty to make this demand.

Respectfully,

H. C. STUART,
Governor of Virginia.

Mr. Morgan not having returned the will, in response to the foregoing formal demand, the Governor notified the Attorney General, who with Hon. Jno. S. Barbour, of Fairfax county, who had been associated in the case by action of the board of supervisors of Fairfax county, drafted and filed in the Supreme Court of the United States the following bill of complaint:

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1914

COMMONWEALTH OF VIRGINIA, Complainant, }
vs. } In Equity No.
JOHN PIERPONT MORGAN, Defendant. }

*To the Honorable, The Chief Justice and the Associate
Justices of the Supreme Court of the United States
of America.*

Your oratrix, the Commonwealth of Virginia, complainant, by Jno. Garland Pollard, Attorney General thereof, brings this bill of complaint against John Pierpont Morgan, a citizen of the State of New York and a resident thereof, and alleges:

I. That your oratrix is one of the States of the United States of America, and that the defendant is a citizen of the United States of America, and that the defendant is a citizen of the United States and of the State of New York, another of the States of the United States of America, and a resident thereof.

II. That on June 21, 1802, the last will and testament of Martha Washington, deceased, the wife of the first President of the United States of America, dated September 2, 1800, was duly admitted to probate and record before the county court of Fairfax county, in the Commonwealth of Virginia; that, in accordance with the terms of the statute in such cases made and provided, said will and testament was left and remained in the clerk's office of the county court of Fairfax county, in the Commonwealth of Virginia; that said will and testament thereby became and now is the property of the Commonwealth of Virginia; that said will and testament is a chattel which has such special, extraordinary, uncommon, and unique value that it cannot be replaced by means of money, and is not susceptible of being compensated for by any practicable or certain measure of damages;

that said last will and testatment is a muniment of title under which large and valuable real and personal estates located within the Commonwealth of Virginia have been disposed of; that said last will and testament, left as afore-said in said clerk's office, was in the possession of the Commonwealth of Virginia at the time it was illegally abstracted as hereinbefore set forth; that said last will and testament was wrongfully and illegally abstracted from the possession and control of the Commonwealth of Virginia and has come into the possession and under the control of the said defendant; and that as against your oratrix, who is the lawful owner of the said last will and testament, the said defendant has not acquired, either at law or in equity, any right, title, or interest in and to the said last will and testament.

III. That the said last will and testament came into the possession of the said defendant in a manner and at a time unknown to your oratrix, and the fact that the said document was in the possession or under the control of the said defendant was unknown to your oratrix until it was brought to the attention of the General Assembly of Virginia at the last regular session which began on the 14th day of January, 1914, although your oratrix has exercised all reasonable diligence in endeavoring to locate the said document, and to regain the possession thereof.

IV. That although the said defendant has been requested so to do, he has failed and refused, and still doth refuse to deliver to your oratrix the said document, which the said defendant from your oratrix unjustly detains; that the said defendant denies the right of your oratrix to the possession thereof, and asserts his absolute right thereto, and that if he should attempt to exercise such asserted right, he would seriously and might, by removing the same from the jurisdiction of this court or otherwise disposing thereof, irretrievably interfere with the efforts of your oratrix to recover the possession thereof.

Inasmuch, therefore, as your oratrix is remediless in the premises, save in a court of equity, she prays that the said John Pierpont Morgan be made a party defendant to this bill and be required to answer the same, an answer under oath being waived; that this court may order said defendant to deliver said document to your oratrix, and pending a decree to that effect, that he be enjoined and restrained from disposing thereof and removing the same

beyond the jurisdiction of this court or that he be required to place the same in some appropriate custody to await the said final judgment of this court, and that your oratrix be granted such other and further relief, general and special, as in the premises may seem meet.

And your oratrix will ever pray, etc.

COMMONWEALTH OF VIRGINIA

By JNO. GARLAND POLLARD,

Attorney General of Virginia.

JNO. S. BARBOUR,

Of Counsel for Complainant.

I have read the foregoing bill of complaint by me subscribed, and the facts therein stated are true, to the best of my information and belief.

JNO. GARLAND POLLARD.

Subscribed and sworn to, in the city of Richmond, State of Virginia, before me, G. Stanley Clarke, a notary public in and for the city of Richmond, this 25th day of February, 1915.

G. STANLEY CLARKE,

Notary Public.

Process was issued from the court, requiring Mr. Morgan to file his answer to the said bill of complaint on the 11th day of October, 1915. Under date of September 25, 1915, Mr. Morgan addressed the Honorable James Keith, President of the Supreme Court of Appeals of Virginia, the following communication:

Mr. Morgan's Library, New York, September 25, 1915.

THE HON. JAMES KEITH,

President of the Supreme Court of Appeals,

Richmond, Va.

MY DEAR SIR:

You are, of course, aware of the unfortunate controversy which has arisen as to the ownership and possession of the original will of Martha Washington. When I was first approached on this subject, an imputation seemed to me to be involved which was most unjust in character and deeply painful to me; this caused me, at the time, to determine to stand upon what seemed to be my legal rights, and to make no concessions in regard to them.

The facts in regard to the history of this paper are as follows, according to the statement of Miss Mary Espy Thomson, from whom it was purchased by my father in the year 1903. Miss Thomson's statement is:

Lieutenant-Colonel David Thomson, commanding the Eighty-second Regiment, Ohio Volunteer Infantry, was, during the spring or autumn of 1862, stationed at Fairfax Court-house, Va. His headquarters were in the court-house building. The safes had previously been broken open by the Blenkers, a command of men noted for their reckless vandalism. The papers were on the floor, and had been destroyed in large quantities, used to kindle fires. My father, going into the office, found his men shoveling the material from the floor for this use—called them to stop, and looking over them, found the document in question. Just preceding his death in 1892, he gave the document to me to be done with as I thought proper.

(Signed) MARY ESPY THOMSON,
2655 Irving Avenue, South Minneapolis, Minn.

The facts in the case have been submitted to eminent counsel, and I am advised that the title of my father's estate is, on well-recognized legal principles, perfect and unassailable. An answer to the suit in the Supreme Court of the United States, brought by the Commonwealth of Virginia, has been prepared and is ready to be filed. Should the case, however, come to trial, issues will be raised as to the late war and the status of participants therein, which, it seems to me, better should not be raised, in view of the fifty years of peace and unity which have elapsed since the termination of the war. I do not wish that, through any act of mine, differences long settled should be recalled. Rather than revive the memories of ancient strife, long since consigned to oblivion by the good sense and good feeling and patriotism of the people of the United States, I greatly prefer to waive such personal rights as I believe I have in this matter.

Moreover, I have the highest regard for the people of Virginia, and the pride of all Americans in their splendid traditions and lofty spirit. I have good reason to believe that their sentiment and interest have been aroused in respect to this document, and feel it to be a proper act on my part to return it to their keeping.

In view of the foregoing, and of your eminent position as presiding justice of the Supreme Court of Virginia, and of the confidence and esteem in which you are justly held by that Commonwealth, I hand you herewith the original will of Martha Washington, with a request that

it be disposed of by you in such a way as will best meet the approval and gratify the sentiment of Governor Stuart and the people of Virginia.

If I might be allowed to offer a suggestion, it would be that, because of my father's well known interest in Mount Vernon and of my own connection with it as a member of the advisory board of the Mount Vernon Association, it seems to me peculiarly appropriate that a relic so closely associated with Washington should be preserved and available to the public at the place especially consecrated to his personal memory. I should be much gratified if you could, in consultation with Governor Stuart, find a way by which this will shall eventually be placed at Mount Vernon and confided to the keeping of the Mount Vernon Association. This suggestion is in accordance with the suggestion in my letter to Governor Stuart of March 17, 1914, and is what I had hoped to do when the Supreme Court had upheld my title to the document. Should it become possible to carry out this idea, it would give me satisfaction to provide at Mount Vernon an appropriate and fireproof receptacle for the safe keeping and preservation of this and other precious relics of the place.

I have intrusted this letter, together with the original will of Martha Washington, to our mutual friend, Mr. Fairfax Harrison, who has kindly undertaken to deliver them to you.

With great respect, I am,

Sincerely yours,

(Signed) J. P. MORGAN.

To which Judge Keith replied as follows:

September 30, 1915.

MR. J. P. MORGAN,
New York City.

DEAR SIR:

I have received the original will of Martha Washington and the letter which you entrusted to our friend, Mr. Fairfax Harrison, and I shall endeavor to dispose of it in such a way "as will best meet with the approval and gratify the sentiment of Governor Stuart and the people of Virginia." I am in full sympathy with your suggestion that Mount Vernon should be the final repository of the will of Martha Washington. As you well say, "it is peculiarly appropriate that a relic so closely associated with

Washington should be preserved and available to the public at the place specially consecrated to his personal memory," and I shall cheerfully endeavor in consultation with Governor Stuart and others to bring about this result. There are, however, difficulties in the way which you will at once recognize. The people of Fairfax county have a just pride in being the custodians of the wills of Washington and his wife, but I trust that this sentiment will yield to the advantages presented by Mount Vernon, which must for all time be hallowed as the home and final resting-place of Washington, where it will be available to the public and safely preserved for all coming time in the fireproof receptacle which you generously offer to provide. The people of Fairfax will, I trust, remember that this relic, if placed at Mount Vernon, will still be within the limits of the county of Fairfax.

Permit me, sir, to express my appreciation of your position in this matter. Much, doubtless, has been said and written which must have distressed you and excited a spirit of resentment, but you have risen to a higher plane and viewed the subject in a spirit of generosity and magnanimity, which, I am sure, will be recognized and appreciated by the Governor and good people of this Commonwealth.

I do not understand your letter as imposing any condition with respect to my disposition of the will. The only trust imposed is that it shall be disposed of in such a way "as will best meet the approval and gratify the sentiment of Governor Stuart and the people of Virginia." You then proceed to offer as a suggestion, but not by way of imposing a condition, that Mount Vernon shall be the final repository of this interesting relic. I shall endeavor to discharge the trust reposed in me to the best of my ability, and shall earnestly endeavor to have your suggestion adopted.

I thank you for the kindly terms in which you refer to me personally, and beg to remain, with great respect,

Very sincerely yours,

(Signed) JAMES KEITH.

Before making said reply, Judge Keith had requested the Governor to make request of the Attorney General to postpone further proceedings in said suit and not require answer of same until after the next meeting of the General Assembly, in order that that body might have an opportunity to pass upon the suggestion of Mr. Morgan that the will be

placed at Mount Vernon; but this request was not accompanied by any agreement on the part of Mr. Morgan to surrender the will in the event the General Assembly should decline to accede to his suggestion. The request made by Judge Keith was declined by the Attorney General, and the will was then unconditionally surrendered to the Governor, with the request that he retain possession of the same at his office until the meeting of the next General Assembly, in order to afford that body an opportunity to pass upon the suggestion of Mr. Morgan for the deposit of the will at Mount Vernon. This request, becoming known to the people of Fairfax, the board of supervisors of that county met on the 6th day of October, 1915, and passed the following resolution, which was transmitted to the Governor:

Whereas, The board of supervisors of Fairfax county, finding that repeated efforts to recover from Mr. John P. Morgan, of New York, the will of Martha Washington (ascertained and acknowledged to be in his possession), which was illegally and wrongfully abstracted from the records of the county of Fairfax by some Union soldier in the year 1862, were fruitless of result, and that said Morgan would not relinquish the will except upon conditions which were wholly objectionable to Fairfax county and which he had no legal or moral right to impose, and

Whereas, The act of the General Assembly of Virginia, authorizing the Governor to negotiate for the return of said will and to bring suit, if necessary, for its recovery, provided that "upon the recovery of the possession of the said document it shall be delivered to the clerk of the circuit court of Fairfax county, Va., for deposit and safe keeping among the archives of Fairfax county," and

Whereas, The will has been delivered into the hands of the Governor, be it therefore

Resolved, 1st, That this board on behalf of the county of Fairfax, hereby requests Governor Stuart to deliver the said will into the hands of Mr. F. W. Richardson, the clerk of the circuit court of Fairfax county, as provided by the act hereinbefore referred to, and

Resolved, 2d, That Mr. F. W. Richardson, clerk of the circuit court as aforesaid, do forthwith furnish Governor Stuart with a certified copy of these preambles and resolutions, in order that the object of the proceedings against Mr. Morgan may be immediately achieved and further litigation rendered unnecessary.

Whereupon, the Governor addressed the following communication to the Attorney General:

October 14, 1915.

HON. JOHN GARLAND POLLARD,
Attorney General of Virginia,
Richmond, Va.

MY DEAR SIR:

I have received from Mr. John Pierpont Morgan, through Judge James Keith, the original will of Martha Washington, which will was the subject of litigation in the Supreme Court of the United States, instituted in pursuance of chapter 5 of Acts of 1914. The delivery of said will to me was unconditional but was accompanied with the request that I retain possession of the same until after the session of the coming General Assembly in order to afford that body an opportunity of acceding to the suggestion of Mr. Morgan that the will be placed at Mount Vernon to be kept in a fireproof receptacle to be furnished by him. I request your opinion as to my legal right to grant said request. In this connection I may add that I have received a resolution of the board of supervisors of Fairfax county asking that the will be sent at once to the clerk of the circuit court of that county.

Very truly yours,

H. C. STUART,
Governor.

To which the Attorney General replied as follows:

October 14, 1915.

His Excellency, H. C. STUART,
Governor of Virginia,
Richmond, Va.

DEAR SIR:

You have informed me that Judge James Keith, President of the Court of Appeals of Virginia, has delivered to you on behalf of Mr. John Pierpont Morgan, the will of Martha Washington, which will was the subject of litigation instituted by me, in pursuance of chapter 5 of the Acts of 1914, in the Supreme Court of the United States, and that though the delivery of said will was unconditional, it was accompanied by a request that you retain possession of said will at Richmond until the convening of the coming General Assembly in order to afford that body an opportunity to consider the suggestion of Mr. Morgan that the will be sent to Mount Vernon to be

kept in a fire-proof receptacle to be furnished by him. You also inform me that you have received from the board of supervisors of the county of Fairfax a resolution requesting you to deliver the will to the clerk of the circuit court of said county.

Upon this state of facts, you request me to advise you whether you have a legal right to comply with the request made by Judge Keith on behalf of Mr. Morgan.

By reference to the act authorizing the institution of proceedings for the recovery of the will (Acts 1914, p. 7), it will be seen that section 3 of the statute reads as follows:

“Upon the recovery of the possession of said document, it shall be delivered to the clerk of the circuit court of Fairfax county, Virginia, for deposit and safe keeping among the archives of Fairfax county.”

It, therefore, appears that the General Assembly has already declared where said will should be deposited, and directs that upon its recovery it shall be delivered to the clerk of the circuit court of said county. This being the case, no officer of the State has a right to postpone the operation of the statute in order to await the result of an effort to have the General Assembly change existing laws on the subject. To take any other view would be giving an officer the right to suspend the operation of the law and to postpone obedience to its mandates,

Yours truly,

JNO. GARLAND POLLARD,
Attorney General of Virginia.

Whereupon, the Governor addressed the following communication to the Attorney General:

October 14, 1915.

HON. JOHN GARLAND POLLARD,
Attorney General of Virginia,
Richmond, Va.

MY DEAR SIR:

I herewith hand you the original will of Martha Washington, delivered to me as Governor of the Commonwealth of Virginia by Judge James Keith on behalf of John Pierpont Morgan. This will was the subject of litigation in the Supreme Court of the United States, instituted in pursuance of chapter 5 of Acts of the General Assembly of 1914, which provides that upon the recovery of the possession of said will it shall be delivered

to the clerk of the circuit court of Fairfax county, Virginia. Having been informed that you will, on October 18th, be in Washington for the purpose of moving to dismiss said suit, I request you to deliver the said will to the clerk of the said court and take his receipt therefor.

Very truly yours,

H. C. STUART,

Governor.

In compliance with the request contained in the letter, the Attorney General, on the 18th day of October, 1915, went in person to Fairfax Court House, where he delivered the will to the Hon. F. W. Richardson, clerk of said court, in the presence of the board of supervisors of the county and a large assembly of the people of Fairfax, including the members of the Daughters of the American Revolution.

